

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Consideration of a Site Plan, Building Elevations and Comprehensive Sign Package for a proposed Wal Mart Supercenter at the southwest corner of Interstate 10 and Estrella Parkway.	STAFF PRESENTER: Kevin Kugler, Planning Manager COMPANY CONTACT: Sean Lake, Pew & Lake
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RECOMMENDATION:

OPTION 1: That the Council accept the recommendation of the Planning Commission and deny the Site Plan for the Wal-Mart Supercenter located upon 33 acres at the southwest corner of Estrella Parkway and Interstate 10 as presented by the applicant.

OPTION 2:

- A) That the Council approve the Site Plan dated December 8, 2003 for the Wal-Mart Supercenter located upon 33 acres at the southwest corner of Estrella Parkway and Interstate 10, subject to the applicable stipulations provided herein.
- B) That the Council approve the Building Elevations, dated July 15, 2003 for the Wal-Mart Supercenter located upon 33 acres at the southwest corner of Estrella Parkway and Interstate 10, subject to the applicable stipulations provided herein.
- C) That the Council approve the building mounted and monument sign portions of the Comprehensive Sign Package dated October 20 & 21, 2003 for the Wal-Mart Supercenter located upon 33 acres at the southwest corner of Estrella Parkway and Interstate 10, subject to the building-mounted and monument sign provisions of stipulation #13. Council deny the freeway pylon sign portion of the Comprehensive Sign package request.

OVERVIEW OF PLANNING COMMISSION ACTION & CONCERNS

The Planning Commission considered this case at their regular meeting held on October 22, 2003. Due to anticipated citizen interest, the meeting was held at the Hampton Inn. Approximately 130 people were in attendance for this Public Hearing. Approximately 38 people addressed the Commission to express their concerns with the proposed Wal-Mart Supercenter. Many of the citizens in attendance were opposed to the proposed

Supercenter for a variety of reasons. Please see the attached Planning Commission meeting minutes for a more detailed review of comments provided to the Commission.

The "Discussion" portion of this staff report (below) provides a thorough overview of the zoning history of this project, description of the proposal and site planning issues such as circulation, architecture, landscaping and operational characteristics. The "Community Benefits" portion of this staff report were contributed by the Economic Development Department. The Planning Commission received a presentation from staff providing an overview of the text and recommended Planning Commission approve the Site Plan, subject to 47 stipulations.

Planning Commission considered the staff presentation and comments from the community and recommended City Council deny the site plan. Some of the concerns brought forth by the Commission include the following:

- 1) The conceptual site plan presented during the earlier zoning proceedings provided for less vehicular activity and building mass on the west side of the property, adjacent to the single family residential areas.
- 2) There was concern on the freeway pylon sign, and it was suggested that either a single wall-mounted sign be placed upon the rear of the building or that the sign be moved further east away from the housing units. See the modified stipulation No. 14 for reference.
- 3) Concern was expressed on noise generating from the compressor/compactor units on the west side of the building, as well as noise from delivery trucks and their potential negative impact upon the adjacent residential land use. Please see stipulation No. 24 regarding noise issues.
- 4) Chairman Horsman had a concern on the rear building elevation and its appearance from I-10.
- 5) Concern was expressed by Commission on the potential need to establish possible building closure and/or adaptive reuse procedures should Wal-Mart go out of business.
- 6) Chairman Horsman referenced the fact that the 24-hour operations of a Wal-Mart Supercenter, and its impact on a residential neighborhood, were never a consideration at zoning and was in part, a consideration that led to his voting to deny the site plan.

In the Commissioner dialogue prior to the motion, Commission members provided staff and the applicant with additional stipulations to address issues that they felt warranted additional scrutiny. **Those suggested changes by Planning Commission are highlighted below in italicize, bold and underlined additions to staff's original language or as new stipulations altogether.**

DISCUSSION:

In October of 1999, Pacific West Development Inc. submitted an application for rezoning. City Council adopted Ordinance No. 2001-738 on January 28, 2002 approving

General Commercial (C-2) zoning upon 33 acres located at the southwest corner of Estrella Parkway and Interstate 10. The approval was subject to 40 stipulations. Council and Commission may recall considerable discussion relating to the receptivity of a big box retailer and architectural issues associated with the site. Attached for your review is Ordinance No. 2001-738, the conceptual site plan approved with zoning as well as the thematic architectural rendering approved with the zoning. You will note that the conceptual site plan presented at zoning included a 180,000 square foot anchor retailer along with two junior anchor retailers, 32,000 square feet of in-line tenant space and three pads fronting Estrella Parkway.

Stipulation No. 39 of Ordinance No. 2001-738 provided that if any single tenant consisting of 75,000 square feet or greater was proposed, then it shall obtain Planning Commission and City Council approval of the site plan. The Site Plan review and approval process is typically an administrative function approved by staff.

Existing or proposed land uses/zoning of surrounding properties includes:

North – I-10, vacant AG property designated Commercial in the General Plan

South – hard zoned General Commercial (C-2), currently vacant, designated Commercial upon the General Plan

East – vacant AG, designated Commercial on the General Plan

West – Canyon Trails Unit 3A residential subdivision currently under construction, zoned PAD, but no occupied residences exist yet (*see attached exhibit illustrating residential lotting in relation to proposed site plan*)

In February of 2003, Wal-Mart Inc. submitted a site plan for staff review as part of the Site Plan review process. Wal Mart has purchased the entire site with the exception of pad C which is the immediate northwest corner of Estrella Parkway and Roosevelt Rd. Since February, staff has been working closely with Wal-Mart representatives on site planning, building architecture, circulation, infrastructure and other related site development issues as part of the normal evolution of this site planning process. This site plan has been through four formal reviews to date. There have been a series of evolving modifications, with the attached version representing the most up to date.

The proposed site plan consists of a 203,000 (213,055 with garden center) square foot Wal-Mart Supercenter centrally located upon the site with the rear of the building adjacent to I-10. The facility includes a tire and lube express shop and drive-through pharmacy, which is a new prototype for the Wal-Mart Supercenter. The garden center and tire/lube center are situated upon the east side of the building and the pharmacy located on the west. The building is setback 150 feet from the western property line and approximately 450 feet from the east property line. There are 985 parking spaces proposed to serve the Supercenter (does not include parking for other pad users). The Goodyear zoning ordinance provides a minimum requirement of 677 spaces based upon store square footage.

The site includes five other pads/parcels. Parcel E is planned for an 18,000 building for in-line retail tenants. Pads B, C and D represent the three corner pads. Users are unknown at this time but will most likely include a bank and restaurant facilities. There is also a proposed Wal-Mart gas station pad fronting Estrella Parkway. The proposed gas facility will require separate Use Permit approval by Planning Commission and City Council.

Vehicular access to the site is provided via one primary customer access driveway from Estrella Parkway and one primary customer driveway from Roosevelt Road. Pads B, C and D have their own right-in/right-out driveways each from Estrella Parkway and Roosevelt Road. Truck deliveries are isolated to the western-most driveway off Roosevelt Road. Commission may recall considerable discussion in the rezoning process regarding site circulation. Unlike other Wal-Mart Supercenters with circulation challenges, staff believes ingress/egress design from this site is safe and efficient.

The primary customer access drive from Estrella Parkway is a right-in/right-out driveway and is unified to service the Supercenter, gas pad and Parcel E retail users. There is also a planned partial median opening for northbound Estrella Parkway drivers to turn left into the site. For those customers needing to egress and travel north from the site (because there is no left egress out of the primary Estrella Parkway driveway), the Roosevelt Road design is provided for effective circulation for northbound traffic. Roosevelt Road is being designed to accommodate dual left turn (northbound) lanes for those customers traveling north to I-10 or otherwise. A traffic signal will be installed by Wal-Mart at the Estrella Parkway/Roosevelt Rd. intersection prior to opening of the store. Wal-Mart is responsible for 25% of the signal cost with the remainder of the cost to be reimbursed through sales tax reimbursements that have yet to be outlined in a future development agreement.

The parking lot design has been reviewed for compliance with the Goodyear Design Guidelines (GYDG) and City Center Gateway Overlay District requirements. You will note the use of "Z"-shaped raised landscape islands throughout the parking lot to reduce the pavement massing into a series of segmented pods that typically include no more than 60 spaces (GYDG calls for 75 spaces maximum). Staff has also required the incorporation of sidewalks through the parking lots leading to each of the store front doors as well as a centralized sidewalk to separate pedestrian and vehicular movements. These sidewalks will have shade trees planted throughout the sidewalk corridor.

Truck deliveries are identified for access to and from the western-most driveway from Roosevelt Road. Truck deliveries would proceed north through the western edge of the parking lot to the rear of the building where two separate, depressed truck wells are situated and screened by a ten foot CMU wall from I-10. Proximity of the truck delivery route to the Canyon Trails subdivision has been discussed with the applicant in limiting delivery times to the store. Most of the general merchandise deliveries will occur during daytime hours. Stipulation # 47 limits the store deliveries beyond 10:00 PM to perishable items only, similar to standard grocery store practices. See stipulation

Building architecture and aesthetics of the building was a focal point of discussion at the rezoning process and was a considerable component of the correspondence with the applicant in the site plan review process. Staff has provided exhibits in your packets of the "before and after" elevations over the course of our negotiations since February. Staff felt the original elevations submitted fell short of Goodyear officials' expectations for this site and generally did not achieve the level of quality of style conceptually presented in the rezoning process. Staff urged the applicant to incorporate architectural elements that include: enhanced roofline with vertical elements and radial curves, use of porticos and projected columns to break-up the wall plane, stacked stone wainscot, darker paint colors and enhanced cornices. These suggestions collectively were designed to soften the building mass and provide a more interesting and quality-based design not readily seen in Supercenter architecture.

Staff now feels that the proposed elevations are in general conformance with the Goodyear Design Guidelines. Exterior paint colors have improved, stacked stone wainscot is provided, columns/projections along the wall and roof are provided, an EFIS cap over the garden center designed to tie the building together, roof articulation improvements all together create a design that staff feels embodies a quality design that is appropriate for this location and meets the spirit and intent of the GYDG.

This submittal also includes the review of a comprehensive sign package for attached and freestanding signage. Please see the attached booklet for additional information. Overall, the amount of attached building signage does meet or exceed traditional massing (square footage) requirements. Not unlike other supercenters, proposed attached signs include "always", "meat", "deli", "optical", etc. At staff direction, the applicant has agreed to omit the "we sell for less" building signage. As stipulation #13 requires, all lettering upon the building shall be white with the exception of the "supercenter" lettering which can remain yellow in color. The freeway pylon sign proposed stands 85-feet in height and is proposed to be located at the property's northwestern corner. The zoning ordinance provides for a maximum height of 80-feet. To avoid future freeway sign clutter at this strategic location, the applicant is promoting a pylon sign that provides sign space for off-premise users. This approach has been reviewed with staff. Staff generally accepted the premise that this may be a plausible sign compromise (as discussed at Planning Commission), however there exists no arrangement(s) or mechanism to include off-premise users as Council considers this request. In the absence of this arrangement, staff adheres to its original recommendation that no pylon sign should be permitted (similar to other Wal-Mart Supercenters that back onto the Loop 101 freeway) and that wall-mounted signage (upon rear of building) is appropriate signage exposure and also helps break up the rear building mass. Should arrangements for off-premise users that contemplate the need for a freeway pylon sign, staff suggests the applicant request Council amend their sign package.

Store appearance from I-10 has also been discussed with the applicant. As noted earlier, the two sub-grade track wells are partially depressed, screened by a 10-foot decorative masonry wall. Bale, palette and mini-mobile storage is also proposed at the rear of the building. As stipulation # 46 provides, all bales, palettes and mini-mobiles shall be

contained entirely within those identified areas on the site plan and screened by a 10-foot decorative masonry wall. Stipulation # 37 requires staff approval of screen wall details prior to issuance of the building permit.

As is typical with many large retail stores, trash compactor(s) and compressors are proposed at the west and north sides of the Supercenter building. The compressor/compactor on the buildings west side are housed within 10-foot decorative masonry walls with landscaping planters outside. Concern of noise emissions from these units as well as truck engine/cooler noises to neighboring residences has been discussed with the applicant. The compressor/compactor units are situated approximately 140-feet from the Canyon Trails property line. The truck delivery wells begin at approximately 170 feet from the Canyon Trails property line. At staff request, the applicant has provided (see attached) a sound study demonstrating noise emissions at the source and at the property line 140-feet away from the units. As stipulation #23 states, the applicant shall maintain a maximum of 57 decibels at the residential property line for those sources of noise that are Wal-Mart related. Please refer to the attached sound study for further technical information.

As a matter of information, the finished floor elevations (FFE) of the homes proposed for construction in Canyon Trails are approximately 5.5 to 6 feet higher than the proposed FFE of the Wal-Mart Supercenter. This grade change, in staff opinion, will actually enhance the residents ability to further mitigate the undesirable effects (primarily noise and lights) of the adjacent Wal-Mart. Continental Homes plans to construct a seven foot high perimeter wall to add additional privacy. The plat for this subdivision, Canyon Trails Unit 3A, was approved by City Council on April 8, 2003. Stipulation #19 of that approval required the developer to provide a waiver agreement for each homebuyer to sign acknowledging the proximity to "commercial properties that may include a big box development". Grading of the subdivision is currently underway. No houses are constructed at this time.

Building and parking lot lighting level issues have been discussed with the applicant. Stipulations #21 and 22 capture the essence of the outstanding issues relative to their submittals thus far. Due to their technical nature, the applicant may finalize the review/submittal of these plans prior to the issuance of the building permit. The stipulations require the lowering of the pole heights and footcandles at the western property line as well as reducing "hot spots" of certain building-mounted lights. Mr. Don Happ with DH Lighting Solutions has assisted staff with the review of the photometric plans.

In accordance with the Goodyear Citizen Review Process, staff conducted a neighborhood meeting for the Wal-Mart site plan on August 13, 2003 at City Hall. All property owners within 500 feet were notified by 1st class mail and the West Valley View published a brief note indicating the time/place of the meeting. Beyond staff, only one Goodyear resident was in attendance. Mr. Brian Buchanon, a Wildflower Ranch resident had several questions relating to the site plan and had concerns regarding traffic generated by the Wal-Mart.

Staff has also received varying levels of correspondence from the citizenry of Goodyear on the Wal Mart proposal. Included in your packets is the correspondence submitted to staff on this issue. Beyond the emails received, Robert and Beverly Funk of Estrella Mountain Ranch have submitted a letter and petition (with attached news-clippings) with approximately 35 signatures in opposition to the Wal-Mart Supercenter.

COMMUNITY BENEFIT:

The City of Goodyear has established as one of its primary goals the proactive attraction of major/national retail and hospitality venues. In conjunction with this goal, in April 1999, City Council adopted Ordinance No. 00-692 (referenced below*) to assist in attracting major retailers to the City.

The City of Goodyear has four primary reasons for attracting major national businesses in the retail industry to the City. These are:

- To expand the importation of sales tax dollars to the City from other communities
- To minimize leakage of sales tax dollars to other communities
- To provide a variety of shopping, dining and entertainment facilities for residents and guests
- To provide opportunities for residents seeking the convenience and flexibility of service sector job opportunities

Retail attraction is supported by the following policies of the City of Goodyear.

City Council Goal: *The City's Financial Wellness and Stability*

Core Business Area: *Building a Sustainable Community*

General Plan, Goal 3: *Diversify the local economy, increase employment opportunities within the community, and maintain Goodyear as a self-sufficient employment center.*

Objective 6 of Goal 3. *"Continue to encourage expansion and retention of Goodyear's growing retail business base and become the retail center of the West Valley".*

In addition, "Retail Attraction" was named by the residents of Goodyear as the top priority for the next five years, through the Future Search Conference held October 2000, for Focused Future II, the City's Strategic Plan for Economic Development, adopted by Council in May 2002.

The primary benefits of the Wal-Mart Supercenter to the City are:

- 1) Generate significant sales tax revenue to assist in funding City operations and services.
- 2) This national retailer will assist in attracting other retailers in the area.
- 3) Convenience to the shopper in the ability to obtain a variety of goods and services at one location.

Should City Council wish to approve the Site Plan, staff suggests Council consider the following stipulations of approval. Text in italicized, bold and underlined are suggested additions by Planning Commission.

ORIGINAL STAFF RECOMMENDATION/STIPULATIONS

The Development Policy Committee recommended Planning Commission recommend City Council approve a Site Plan, building elevations and a comprehensive sign package for a proposed Wal-Mart Supercenter upon 33 acres located at the southwest corner of Estrella Parkway and I-10, subject to the following stipulations:

1. Compliance with the stipulations of Ordinance 2001-738, the General Commercial (C-2) zoning districts criteria, the City's Engineering Design Standards for public works construction and the Maricopa Association of Governments standards for public works construction;
2. Developer shall provide for the dedication of any necessary easements and rights-of-way, in form and substance acceptable to the City, in conjunction with Site Plan approval;
3. Applicant shall construct requisite street improvements in accordance with submitted site plan (dated 10/14/03) or as directed by the City Engineer or his designee;
4. Separate Site Plan Review Process applications will be required for staff review and approval for future users upon Parcels' B, C, D & E;
5. Per Section 1-2-7 (E) of the Goodyear Zoning Ordinance, site plan approval shall be valid for a period of 180 days from Council approval and shall become invalid if a building permit has not been issued in that time. Up to an additional 180 day extension may be granted by Council upon written request by the applicant;
6. The under-grounding of all utilities within and abutting the rezoned areas per phase prior to issuance of construction permits, excluding power lines of 69 kv or larger;

7. The developer shall control dust as required by the County Bureau of Air Pollution on temporary access ways during construction;
8. The applicant shall provide for the installation of the complete four-point traffic signal at the intersection of Estrella Parkway and Roosevelt Rd. Said traffic signal shall be completely installed and operational to the satisfaction of the Public Works Director, or his designee prior to a final Certificate of Occupancy being issued for the Wal Mart Supercenter. The applicant is responsible for twenty-five (25) percent of the total cost of installation of the traffic signal at the intersection;
9. The applicant shall provide for the funding of the installation of a traffic signal(s) and any associated road/ramp improvements ADOT may require in conjunction with installation of the signal(s) at the intersection of I-10 and Estrella Parkway. The City of Goodyear will be responsible for obtaining appropriate ADOT permits for said construction. Applicant shall make a good faith effort to complete engineering design in accordance with ADOT standards within 90 days of Council approval of the site plan for said signal(s). Provisions for applicant's upfront contribution and subsequent reimbursement shall be negotiated with the City;
10. Applicant shall install Estrella Parkway median landscaping along projects frontage prior to issuance of Certificate of Occupancy. Applicant's pro rata share contribution shall be for ½ of the landscaping;
11. Applicant shall install streetlights within the median in Estrella Parkway from Roosevelt Street to Interstate 10 prior to Certificate of Occupancy. Applicant's pro rata share contribution shall be for ½ of the cost of the streetlights;
12. Applicant shall provide documentation for shared access between all parcels prior to or in conjunction with Council consideration of a final plat for the entire property;
13. Attached building signage shall not exceed 846 square feet. The "Tire & Lube Express ➔" signage upon the right front building elevation shall not be permitted. All lettering upon the building shall be white in color with the exception of the "Supercenter" lettering upon the front elevation which may be yellow in color. Two freestanding monument signs, one at each main driveway entrance, shall be permitted and shall not exceed 8-feet in height as submitted. Freestanding monument signs for individual pad users will not be permitted. Freeway pylon signage shall be permitted as submitted provided one additional panel is added and understanding that each additional panel (three) shall be reserved for off-premise users within the Estrella commercial corridor of over 35,000 square feet. **Said pylon sign shall be moved and located east of the location as shown, but located no farther east of the tire/lube center doors;**
14. Architectural building design, construction and exterior paint colors shall be in substantial conformance with the conceptual building elevation drawings dated July 18, 2003. Dark brown "mocha" color shall be established upon all raised cornices, the arched cap over the building center and above the pharmacy drive-through. Final verification of exterior paint colors shall be submitted by the applicant and approved by Planning Division staff prior to the issuance of a building permit;

15. Improvements made on all City of Goodyear streets abutting the subject property shall comply with the City's Engineering Design Standards. The developer shall provide a two (2) year warranty on all public improvements from the date of City acceptance;
16. The completion of required onsite infrastructure per construction phase to serve the subject property with water and sewer prior to occupancy;
17. The developer shall submit a current Phase I Environmental Survey designating the City of Goodyear as a named party to whom such survey is delivered and to whom such certification is made, together with any additional environmental surveys which the city deems necessary dependent on the contents of the Phase I survey. Such survey shall cover publicly dedicated rights-of-way, or other parcels of land dedicated to the public and shall be submitted prior to the dedication of any right-of-way;
18. Land encompassing the entire site plan shall be kept weed and debris free;
19. The subject property shall maintain the 23 percent of the net site/lot area in landscaping as provided upon the submitted site plan;
20. The applicant shall provide for the construction and perpetual maintenance of the public 8-foot wide sidewalk/pedestrian trail on the site in its entirety and maintain it open to the public;
21. The Developer shall minimize the amount of light "spilling" or trespassing onto abutting residential neighborhoods, and general light pollution. Light pole (including concrete base) heights shall not exceed 28 feet in height. Light pole standards shall be "dark brown" in color and consistent with the exterior paint of the building. The maintained average illuminance over the entire parking lot shall be no greater than 3.3 footcandles. Building mounted lighting shall include "house-side-shields" and cutoffs to reduce hot spots. Light trespass shall not exceed .8 vertical footcandles at all property lines and will be measured at 6' above grade, with the lightmeter aimed at 90-degrees above nadir and perpendicular into the site. Light poles adjacent to residential lots upon the western property line shall be a maximum of 18 feet, including concrete base(s). Final photometric plan submittals shall be reviewed and approved by Community Development staff prior to issuance of the building permit for the Wal Mart Supercenter;
22. Upon completion of lighting installation and prior to issuance of the Certificate of Occupancy, the City, or designated lighting consultant, will perform testing upon lighting to ensure lighting and trespass levels conform to approved plans;
23. The Developer shall minimize the amount of noise "spilling" into abutting residential neighborhoods. Building orientations, screening walls and/or other noise mitigation technologies shall be incorporated so that noise emitting from compressors, compactors or truck engine/refrigeration units shall not exceed 57 decibels at the western property line as demonstrated in a sound calculation analysis;
24. The site plan for the Wal Mart Supercenter shall include a minimum of 1% of the net site area designated as usable pedestrian-oriented open space, including plazas, patios, courtyards, and outdoor seating areas;

25. The Developer shall obtain approval from the City of Goodyear of a subdivision plat in accordance with City subdivision regulations prior to the fourth land division of the rezoned property;
26. Screening of all mechanical equipment, roof-mounted or otherwise, from all public rights of way, shall comply with the provisions of the Goodyear Design Guidelines. Should mechanical equipment not be sufficiently screened from I-10, as determined during the construction process, the applicant shall cooperate in good faith with staff to provide a reasonable design solution to properly screen said mechanical equipment from public street view;
27. Convenience uses, as defined in Article 4 of the Zoning Ordinance, must obtain a use permit approved by the Planning & Zoning Commission and City Council;
28. The Developer must create CC&Rs in order to enforce any land use covenants, and to ensure a mechanism for funding so that interior landscaping along rights-of-way is properly maintained. Said CC&R's shall prohibit hazardous materials users and generators. Evidence of said covenants shall be provided to staff prior to issuance of the building permit for the Wal Mart Supercenter;
29. Refuse collection shall be limited to occur between the hours of 6 a.m. through 6 p.m. daily for the commercial center, unless otherwise directed by City staff;
30. Auto-related uses (repair or sales), which does not include convenience uses as defined in Article 4 of the Zoning Ordinance, shall not be permitted on Pads B, C, D or E;
31. The Wal Mart Supercenter site shall be developed with no more than the number of pads illustrated on this submitted site plan;
32. All parking areas along Estrella Parkway and Roosevelt Road shall be screened from street view with a minimum three (3) foot high screen wall as submitted. Undulation or offset in said screen wall shall occur at a minimum of every 100 feet;
33. The owner/developer and all future unidentified users/tenants shall develop the property in substantial conformance to the approved master site plan and the Wal Mart Supercenter building colors and elevations;
34. All mass graded pads shall be temporarily finished with a topping of decomposed granite (two (2) inches minimum depth), OR the developer shall include a provision in the sales contracts for pad users that vertical construction shall commence within eighteen months of the sale of the property;
35. Applicant shall relocate the sewer line to the south side of Roosevelt Rd. to be within the future outside eastbound lane and stub a sewer line to the west at the western-most manhole on Roosevelt;

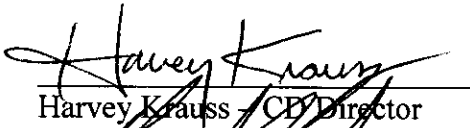
36. The gas pad user shall be required to provide for an oil/sand separator, or acceptable equivalent as determined by the City Engineer, or his designee, prior to draining into any retention basins;
37. Staff to review and approve any and all decorative masonry screen wall details prior to the issuance of a building permit for the Wal Mart Supercenter;
38. Future building upon Parcel E shall be maintained at the 15-foot front yard setback as required by the City Center Gateway Overlay District in order to achieve 15% building mass at the front setback line;
39. Wal-Mart shall be solely responsible for the construction and perpetual maintenance of the entry corner monument landscaping and sign display located upon the northeast corner of the subject property;
40. Wal Mart shall make a good faith effort to coordinate and partner with Maricopa County Department of Transportation and/or ADOT to install an acceptable landscaping within the drainage basins that is consistent in design and materials with the Wal Mart center. The City of Goodyear or other government entity shall maintain said landscaping;
41. Applicant shall demonstrate fireflow of a minimum of 1500 gpm prior to the issuance of a building permit;
42. Applicant shall include a note upon the site plan and future final plat stating; "The Goodyear Gateway Center" is subject to attendant noise, vibrations and dust and all other affects that may be caused by overflights from the operation of aircraft from Luke AFB and Phoenix Goodyear Airport as well as vehicular traffic of Interstate 10";
43. Applicant shall conform with the approved set of landscape plans and provide perpetual maintenance of said landscaping. If not properly maintained in accordance with city standards, non-compliance shall be deemed a violation of the Zoning Ordinance and may be cause for revocation of zoning;
44. All overnight recreational vehicle parking (including boats and other recreation-type vehicles) **and display of cars for sale by the general public** shall be prohibited and signs shall be posted within the parking area accordingly;
45. Outdoor storage and display of consumer products shall be prohibited upon sidewalks and parking areas near and adjacent to the garden center, tire and lube express and/or general store front(s);
46. Screening of any and all areas identified for bale and palette and mini mobile storage shall be entirely contained within those specifically identified areas upon the site plan and sufficiently screened by a 10-foot decorative masonry wall; and,
- ~~47.~~ General merchandise, garden center **and perishable or grocery-related** deliveries shall occur primarily during daytime hours but shall cease by no later than 10:00 PM. ~~Deliveries after 10:00 PM shall be limited to perishable items only consistent with~~

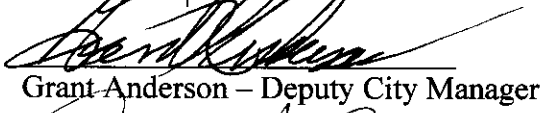
~~practices common to the grocery industry.~~ **Refrigeration trucks shall not be parked between the hours of 10:00 PM and 6:00 AM; and,**

FISCAL BENEFIT:

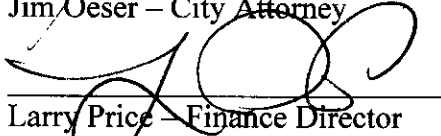
The Wal-Mart Supercenter will generate approximately 12 million dollars in sales tax revenue for the City of Goodyear in its first ten years of operation.

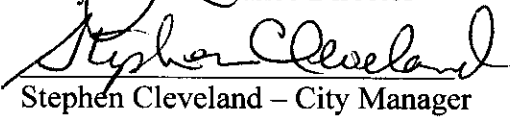
REVIEWED BY:


Harvey Krauss – CD Director

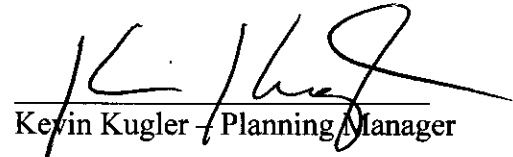

Grant Anderson – Deputy City Manager

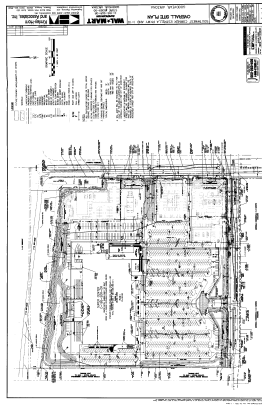

Jim Oeser – City Attorney

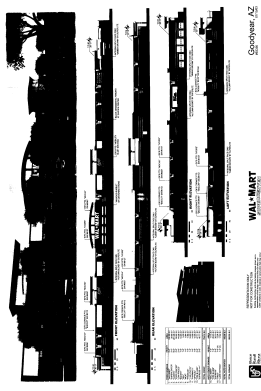

Larry Price – Finance Director


Stephen Cleveland – City Manager

PREPARED BY:

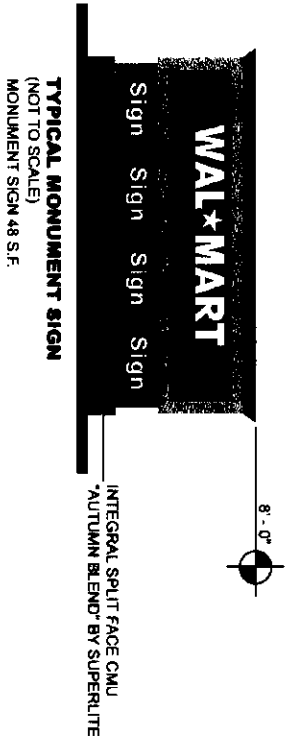

Kevin Kugler – Planning Manager



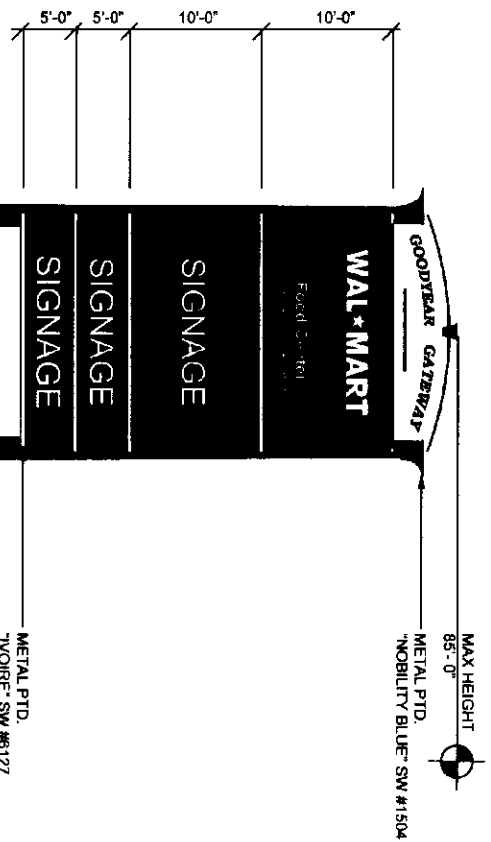


WAL-MART
1000 N. GAVIN AVENUE
MESA, AZ 85204

01 10 10



REPRESENTATION ONLY
NOT FOR CONSTRUCTION
Images shown are a representation of the design
intent and may not reflect any actual variations in color,
material, or finish. The design is subject to change without
notice and without liability to the design firm.



AREA	AREA
WAL*MART	120.00 S.F.
GOODYEAR GATEWAY	120.00 S.F.
SIGNAGE	120.00 S.F.
SIGNAGE	120.00 S.F.
SIGNAGE	120.00 S.F.
TOTAL SIGNAGE	480.00 S.F.



Goodyear, AZ
10/2003



Walmart Supercenter, Phoenix, AZ

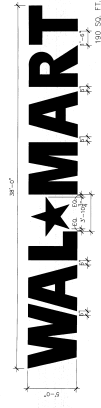
Comprehensive Sign Plan:

WAL★MART SUPERCENTER



GOODYEAR, AZ
BR# 96130641

SQUAKE SADDLE					CANTON 208	
FRONT SADDLE	OPT	COLOR	ROMAL	TOTL AREA		
MANUFACTURER	1	WHITE	10433	100		
FRONT SADDLE	2	RED	10433	100		
FRONT SADDLE	3	RED	10433	200		
FRONT SADDLE	4	RED	10433	100		
FRONT SADDLE	5	WHITE	10433	100		
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FRONT SADDLE	64					



19'-6"

39.00 SQ. FT.

SUPERCENTER



20'-2"

Food Center

2'-6"

50.42 SQ. FT.



44.38 SQ. FT.

Bakery

Deli

Meat

Produce

4'-0"

Pharmacy

14.50 SQ. FT.

4'-0"

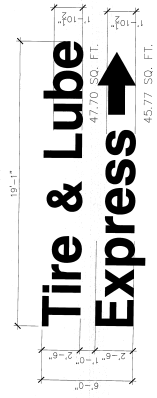
Optical

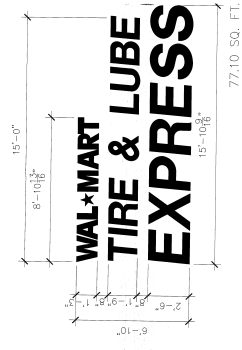
10.26 SQ. FT.

11'-0"

1-Hr. Photo

16.50 SQ. FT.

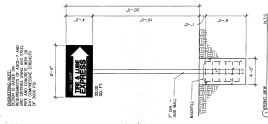
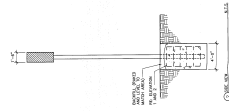


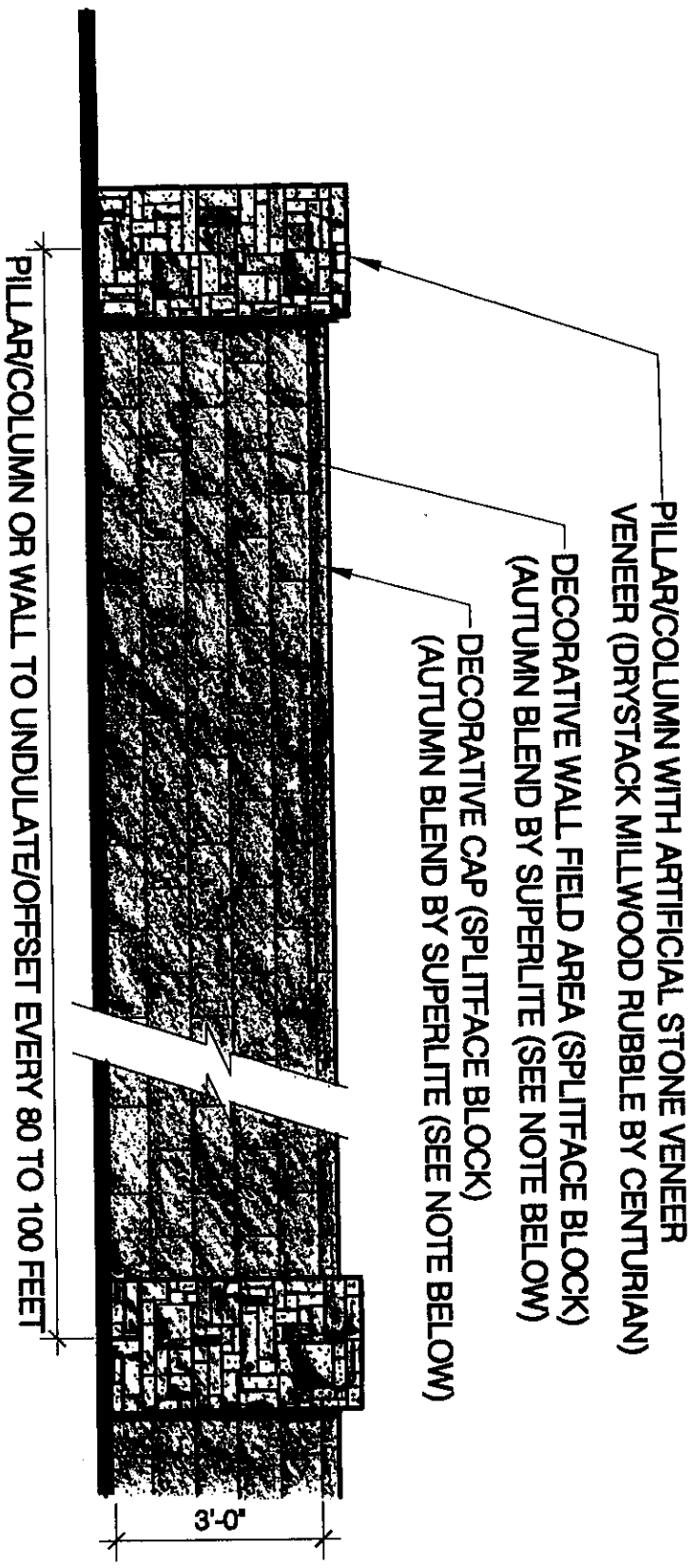


8' - 11 1/2"
Lube Express
8.96 SQ. FT.

5' - 3 1/2"
Tires
3.26 SQ. FT.

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NO. 2	2
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NO. 100	100





A

3' MINIMUM HEIGHT PARKING AREA SCREEN WALL
N.T.S.

NOTE: FINISH, COLOR AND PATTERN OF WALL, STONE ACCENTS, FIELD AREAS AND ACCENTS
TO BE COMPATIBLE WITH BUILDING ARCHITECTURAL FINISH AND MATERIALS

DECORATIVE PARKING SCREEN WALL (TYPICAL ELEVATION)
WAL MART SUPERCENTER - GOODYEAR, AZ

ZONING STAFF REPORT
APPROVED JANUARY 2002

AGENDA ITEM # _____
DATE: January 28, 2002
COAC NUMBER: 01-1273.doc

CITY OF GOODYEAR
CITY COUNCIL ACTION FORM

SUBJECT: City Council adopt Ordinance 2001-738, rezoning approximately 33 acres of property located on the southwest corner of Estrella Parkway and I-10 from Agriculture (AG) to General Commercial (C-2), subject to stipulations. (Case Z-13-99)

STAFF PRESENTER: Kevin Kugler
COMPANY I-10 Reems Partners
CONTACT: Sean Lake

RECOMMENDATION:

City Council adopt Ordinance No. 2002-738 and Supplementary Map No. 99-105 rezoning approximately 33 acres of property located at the southwest corner of Estrella Parkway and I-10, from Agriculture (AG) to General Commercial (C-2), subject to stipulations

1. Open Public Hearing
2. Staff Presentation
3. Receive Public Comments
4. Close Public Hearing
5. Consider adoption of Ordinance No. 2001-738

COMMUNITY BENEFIT:

- Additional retail sales tax opportunities.
- Additional employment opportunities.
- Expand shopping opportunities for Goodyear residents

DISCUSSION:

City Council considered continuance of this case at a special meeting on December 17, 2001. After a thorough discussion of the issues, Council directed Staff to re-advertise this case for a Public Hearing to consider adoption of Ordinance No. 2001-738. In lieu of continuing this case to evaluate a pending "Estrella Parkway corridor study", the applicant has agreed to an additional stipulation requiring developer compliance with the land use and design guidelines provided in the pending study (see stipulation # 40). Staff eliminated previous stipulation #41 that limited the hours of delivery to the site.

I-10 Reems Partners has submitted a rezone request for 33.69 acres of property located at the southwest corner of Interstate 10 and Estrella Parkway. The property is currently zoned Agriculture (AG). The rezone request is to establish General Commercial (C-2). This request is consistent with the General Plan land use designation for this property as Commercial and promotes commercial land use objective(s) of the General Plan by establishing commercial land use "nodes" that are easily accessible. The project is tentatively known as "Estrella Parkway Marketplace".

1. As the application and conceptual site plan suggest, Estrella Parkway Marketplace (EPM) is proposing a commercial retail/service project that consists of approximately 293,000 square

feet of major retail and accessory shops as well as three, one-acre+ pad sites fronting Estrella Parkway. Though there has been much discussion regarding the possibility of a gas station on either Pad A or C, no specific users are identified at this time. The applicant proposes to construct EPM in multiple phases as end-users become available and ready to begin construction.

By comparison, Palm Valley Pavilions East (Target/Michaels) includes 282,354 square feet of commercial and retail uses situated upon 35.6 acres of property. The EPM conceptual site plan identifies three "major" tenants at 124,000, 52,000 and 108,000 square feet of building space for Majors A, B and C, respectively. In comparison, the existing Target is 134,000 square feet, Michaels is 25,400 square feet and the Palm Valley Cinema is just under 50,000 square feet. Similar to the EPM proposal, the Palm Valley Pavilions site has five pads all between one and 1.5 acres in size.

Current land use characteristics of surrounding properties include:

- North – vacant commercial property north of I-10, agriculture use
- South – vacant commercial property, agriculture use
- East – vacant commercial property, agriculture use
- West – medium and medium-high density residential with preliminary plat approval, agriculture use

Existing zoning of neighboring properties include:

- North – PAD Commercial
- South – General Commercial (C-2)
- East – Agriculture/Urban (AU)
- West – PAD (Canyon Trails)

Water and sewer infrastructure is not immediately available to this site. The applicant will be responsible for providing the City-prescribed main-line water and sewer extensions necessary to serve this site. Staff is currently drafting a "buy-in ordinance" in which agreements can be made whereby the City will require future developers (located along the line) to pay a "buy-in" fee to connect to City sewer when that sewer line was installed and paid by others. City Council must approve this proposed ordinance. Staff intends to utilize this mechanism to facilitate the proportional reimbursement to this applicant for his costs incurred for the extension of these off-site lines. Water main line may be extended either from Van Buren, north along Estrella Parkway to the site or east along the Roosevelt Rd. alignment and into the existing mainline in the Rancho Mirage subdivision.

As you are aware, the City has joint-ventured with the Maricopa County Department of Transportation to widen Estrella Parkway from approximately Yuma Rd north to McDowell Rd. This road improvement project is anticipated to begin construction in the summer of 2002. In addition to those improvements, this applicant will be required to construct a third through-lane, acceleration/deceleration lanes to serve this project as well as other frontage improvements such as landscaping, sidewalks and street lighting.

The exact phasing of this commercial center is uncertain, however the Economic Model Questionnaire suggests that the gas station facility would be completed over years 1 and 2, with over 130,000 square foot of retail to be added in year three.

Over the course of the review and comment period for the application, many issues have been discussed and addressed. With the exception of the US Post Office already established, this project will serve as the "gateway" to the future Estrella Parkway commercial corridor and City Center sites from I-10. Architecture designs and landscape themes established with this project (assuming it is the first to be constructed) will no doubt help shape and define the future "look" of Estrella Parkway. As such, Staff has reviewed this application with a greater level of scrutiny with respect to design issues. The breadth and depth of the stipulations recommended by staff more succinctly describe the scope of the specific site design issues (and are too comprehensive to describe in detail through this narrative). In general, the issues revolve around site design and architectural elements of this proposal.

This particular project has been considered by Commission and Council on several occasions. Some of the history is as follows:

Commission initially considered the rezone request for Estrella Parkway Marketplace (Pacific West Development) at the regular Commission meeting of December 20, 2000. Please see the attached Commission meeting minutes for reference. In Commission's consideration of the rezone request from Agriculture (AG) District to General Commercial (C-2), a majority of the discussion focused upon ingress/egress to the site as well as the importance of maintaining quality site design and architectural standards for this strategically significant and highly visible commercial corner that will serve as the gateway to the future City Center site. Though Commission was generally comfortable with General Commercial (C-2) zoning at this location (it does conform with the General Plan) and Staff's stipulations, the Commission amended Staff's recommendation to add stipulation No. 37 to provide for Commission review and approval of a master site plan for this site. Additional site plans to be reviewed and approved by Staff as specific end-users come on-line is also required. The Commission recommended Council conditionally approve the rezoning by a 6-0 vote.

At their regular meeting of February 12, 2001, City Council considered the rezone request. The City Council discussion also focused on project circulation, site design, and building architecture issues. Please see the attached meeting minutes for reference purposes. Council concluded that the site design and architecture issues warranted further discussion and directed Staff to schedule a joint Council/Commission worksession to discuss the issues.

The joint Council/Commission worksession was held on March 19, 2001. Please see the attached meeting minutes of the worksession for reference. Much of the discussion focussed on ingress/egress to the site, building orientation and visibility from I-10, the feasibility of gas station/convenience users upon Pad A, a critique of the building elevations and pedestrian accessibility to the site. Commission and Council directed the applicant to consider modifying the building orientation(s) as well as enhancing the thematic architecture for the site.

The property owner/developer has retained a new architect who was tasked with enhancing the site design and building architecture per Commission and Council's direction. A modified site plan and update building elevations are attached for your review. Staff has

reviewed both the site plan and elevations and find them to be an improvement over the previous designs. Some of the notable changes are as follows:

1. The old plan included three "large box" stores; 124,000 sq. feet, 108,000 sq. feet and 52,000 sq. feet. The new plan includes one larger box, 180,000 sq. feet and two smaller boxes of 45,000 sq. feet and 22,000 sq. feet. This is a reduction of 37,000 sq. feet of "major tenant" square footage.
2. More importantly, the building massing and orientation of the major tenants and in-line tenants has improved in Staff's opinion. For example:
 - a) The old plan had over 650 lineal feet of major tenant building mass backing up to I-10. The new plan has been reduced to 515 lineal feet backing up to I-10 and the remainder of building mass is set back a minimum of 280 feet from I-10.
 - b) The scale and massing of building adjacent to future Canyon Trails residents on the west property line has been significantly reduced. On the old plan, a 124,000 sq. foot major (Major A) and a 52,000 sq. foot major (Major B) were situated adjacent to the single family residential subdivision platted within Canyon Trails. The new site plan proposes to replace the 124,000 sq. foot major with a 45,000 sq. foot major and replace the old 52,000 sq. foot major with 18,000 sq. foot of shops. This significantly reduces the intensity of building mass adjacent to future residential homes as well as Roosevelt Road.
3. The building elevations and architecture have improved. The new plans call for a greater use of vertical elements above the roof line, more variety in roof type, increased application of columns and projections and increased variations in textures to improve building wall articulation. These enhancements are consistent with the general commercial and "big box" design standards found in the Goodyear Design Guidelines.
4. Pedestrian accessibility to the site is strengthened with the new site plan. The re-orientation of buildings has enhanced connectivity to Canyon Trails as well as on-site improvements to the pedestrian circulation system as well.

The above is an outline of some of the notable changes. The applicant will present further site design and building elevation changes at the meeting.

Already having approved the rezone request at their December 20, 2000 meeting, the Planning Commission considered the modified Master Site Plan at their regular meeting of September 19, 2001. Considering the changes outlined above, Commission had a lengthy deliberation on this matter. Please see the attached meeting minutes for reference.

Generally, the Commission collectively felt that the modified site plan and thematic architecture were both improvements over the old proposal. The discussion items of concern primarily focused upon; truck deliveries on the west side driveway, potential freeway signage, building architecture and the appropriateness of a "big box" retail store at this particular location. A motion to approve the Master Site Plan was initially approved by the Commission by a 4-3 vote. This motion was reconsidered by the Commission. After a 5-2 vote to reconsider the motion, a motion to again approve the Master Site Plan failed with a 3-4 vote. No other motions by Commission were brought forward.

Since the Commission considered this item at their September 19, 2001 meeting, a consideration to expand the scope of the City Center Master plan has been discussed. In part due to the varying opinions offered on what is the "highest and best" commercial land use for this site and what other land uses and thematic architectural styles are appropriate for

the "gateway" to the City Center, Staff is exploring the possibility of expanding the scope of the City Center Master Plan to have the consultant complete a "gateway corridor study" for Council approval to ascertain what is the City's desire for land uses and architectural styles from I-10 south to the City Center along Estrella Parkway. The consultant could have a preliminary report within 60 days. This concept has not yet been considered or approved by Council. In individual discussions with some Council members, Staff has sensed this is an appropriate direction that some Council members desire and is the reasoning behind Staff's recommendation to continue this case until the "gateway corridor study" is completed.

Alternatives

Council may elect to continue this case should Council certain issues warrant further examination or consideration.


Council may elect to deny this request if Council views this requested land use as inappropriate in this location or contradictory to the goals and objectives of the General Plan and the Zoning Ordinance. Should Council choose to deny this request the applicant may only resubmit a zoning application following a one-year period from the time the request is denied.

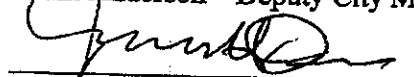
FISCAL IMPACT


As the attached Economic Impact Analysis Executive Summary notes, this project's net present value, cumulative 10 year impact is a positive \$1,765,784 with construction sales tax. Please refer to the attached executive summary and completed questionnaire for further details.

REVIEWED BY:

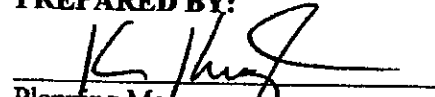

Stephen S. Cleveland - City Manager


Grant Anderson - Deputy City Manager


Jim Oeser - City Attorney


Larry Price - Finance Director

PREPARED BY:


Planning Manager

ORDINANCE 2002-738

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA CONDITIONALLY REZONING 33.69 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF INTERSTATE 10 AND ESTRELLA PARKWAY FROM AGRICULTURAL (AG) DISTRICT TO GENERAL COMMERCIAL (C-2) DISTRICT; TO PROVIDE FOR THE CHANGE IN ZONING; PROVIDING SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Goodyear Planning and Zoning Commission held a public hearing on Zoning Case Z-13-99 on December 20, 2000 in the manner prescribed by law, for the purpose of considering the rezoning of a parcel of land from Agricultural (AG) District to General Commercial (C-2) Zoning District;

WHEREAS, due and proper notice of such public hearing before the City of Goodyear Planning and Zoning Commission was given in the time, form, substance and manner provided by law including publication of such notice in THE WEST VALLEY BUSINESS on January 9, 2002; and,

WHEREAS, the City of Goodyear Planning and Zoning Commission has recommended to the Mayor and Council of the City of Goodyear, Arizona that it conditionally rezone the property as aforesaid and the Mayor and Council of the City of Goodyear, Arizona desire to accept such recommendation and conditionally rezone the property from the Agricultural (AG) Zoning District to the General Commercial (C-2) Zoning District;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Arizona that:

SECTION I. Rezoning. A parcel of land of 33.69 acres, as described in Exhibit A (Supplementary Zoning Map No. 99-105) and attached hereto, is hereby conditionally rezoned from the Agricultural (AG) to the General Commercial (C-2) Zoning District, as provided in the Zoning Code.

SECTION II. Conditions. The rezoning herein provided for is subject to the following conditions:

1. Compliance with the C-2 (General Commercial) zoning district criteria and regulations and with all applicable State, County and City codes and ordinances;
2. Compliance with the City of Goodyear Engineering Design Guidelines for Public Works construction and with the Maricopa Association of Governments standards for public works construction, including on-site storm water retention as per the Engineering Design Guidelines;
3. The undergrounding of all utilities less than 69KV for each phase of construction, within and abutting the proposed development, prior to the issuance of a Certificate of Occupancy;
4. Failure of the developer to commence vertical construction in the rezoned area within two (2) years of City Council approval of this rezone request shall be cause for the City Council to rescind the rezoning, unless an extension of time is granted by the City Council;
5. The completion of required onsite and offsite infrastructure to serve the rezoned property with water and sewer prior to occupancy in accordance with city master plans;
6. The developer shall provide for the dedication of necessary easements and rights-of-way, in form and substance acceptable to the City, in conjunction with approval of the preliminary plat or when requested by the City Engineer. These half rights-of-way include Roosevelt Rd (40 feet), and Estrella Parkway (75 feet from center-line);
7. Developer shall improve the full half-street improvements fronting the property for Roosevelt Rd. and Estrella Parkway. Said improvements shall include, but are not limited to, curb, gutter, sidewalk, paving, half the width of the median, landscaping, landscape irrigation, street lights, signing and striping. Improvements shall be completed prior to issuance of the first certificate of occupancy unless a phasing plan and acceptable financial surety are submitted to Staff for review and approval;
8. The Developer is responsible for 25% of the cost of the traffic signal to be installed at the intersection of Estrella Parkway and Roosevelt Rd. Said contribution shall be paid prior to issuance of the first certificate of occupancy of any structure other than a gas station facility established upon pad A (should that be the first facility constructed) or when requested by the City Engineer,
9. The developer shall submit a current Phase I Environmental Survey designating the City of Goodyear as a named party to whom such survey is delivered and to whom such certification is made, together with any additional environmental surveys which the city deems necessary dependent on the contents of the Phase I survey. Such survey shall cover publicly dedicated rights-of-way, or other parcels of land dedicated to the public and shall be submitted prior to the dedication of any right-of-way;
10. Land being rezoned shall be kept weed and debris free;

11. The Estrella Parkway Marketplace shall comply with the architectural and site design provisions of the future citywide Building Design Guidelines adopted by City Council on February 26, 2001;
12. Building architecture and site design themes between the in-line tenants and the pad users shall be consistent and compatible as determined by Community Development Staff through review and approval of building elevations and signage;
13. The Developer must form a property association, or acceptable equivalent, to enforce any land use covenants, and to ensure a mechanism for funding so that interior landscaping along rights-of-way is properly maintained;
14. No metal buildings will be allowed unless all four elevations are architecturally treated to comply with the proposed citywide Building Design Guidelines;
15. Developer shall comply with the sign regulations of the Goodyear Zoning Ordinance and/or submit a master on-site sign plan to be considered and approved by the Planning Commission and City Council prior to issuance of the first building permit;
16. The Developer shall submit a subdivision plat in accordance with applicable City regulations prior to the fourth land division of the property;
17. All future development is subject to Site Plan review and approval by City staff. At which time, all elements of site development will be reviewed, including but not limited to, architecture, landscaping, grading and drainage, infrastructure, parking, access and circulation. Should development be phased, each phase may be subject to Site Plan Review;
18. Approval of the rezoning does not constitute approval of site design, retail square footage permitted, proposed median breaks and driveway locations;
19. The Developer shall submit draft CC&Rs and property association rules and regulations for City staff review and approval prior to issuance of the first certificate of occupancy;
20. CC&Rs and/or development guidelines for the Estrella Parkway Marketplace shall prohibit hazardous material users and generators;
21. Adequate fire flow and capacity must be demonstrated and ensured prior to the first Certificate of Occupancy issued for this property;
22. The area to be zoned as General Commercial (C-2) shall have a minimum of fifteen (15) percent of the net site/lot area in landscaping in Zoning Ordinance and acceptable to City staff;
23. The final configuration, design and plant palette for the project's northeastern-most corner shall be determined through the Site Plan Review process;
24. Applicant shall provide landscaping within the Estrella Parkway right-of-way. Said landscaping package shall include, but not be limited to providing 48" box (mature)

Phoenician Palms for the length of the property frontage on approximately 25-foot on-center. Planting standards/details as well as acceptable plant palette for landscaping within Estrella Parkway shall be determined through the Site Plan Review process. Said palm trees shall be planted prior to issuance of the first Certificate of Occupancy for this property;

25. Parking lot landscape planters/islands shall be provided every 15 spaces and shall be a minimum of six feet in width (measured from outside of curb);
26. Per design standards noted in Article 5 of the Zoning Ordinance relating to commercial developments adjacent to residential uses, two rows of 15-gallon trees and 8-foot masonry fence shall be provided along this project's western property line;
27. The use of any outdoor lighting shall be in conformance with the City Ordinance and shielding to minimize light spillage towards residential uses to the west of this site;
28. Chain link fencing shall be prohibited for the proposed garden center associated with Major A. Per Design Guidelines, the design of the outdoor storage shall be incorporated into the design of the primary structure. This may be achieved through a CMU pony wall with wrought iron fencing. Said design shall be determined through the Site Plan Review process;
29. Approval of the rezoning does not guarantee entitlement to water resources and wastewater treatment plant capacity for this project;
30. The developer shall provide a statement in the Public Sales Report and on the final plat of the Estrella Parkway Marketplace, which shall include the following statement: "The Estrella Parkway Marketplace is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from Phoenix-Goodyear Airport and Luke Air Force Base";
31. Per the Goodyear Zoning Ordinance, all mechanical equipment, roof-mounted or otherwise must be screened from public view, including Interstate 10;
32. Convenience uses, as defined in Article 4 of the Zoning Ordinance, may be established through a City Council-approved Use Permit;
33. Applicant may utilize a temporary septic sewer system for the proposed gas station user. Applicant shall provide functioning sanitary sewer line to serve this project prior to the issuance of the second building permit for this site. Said septic system shall be abandoned (in compliance with Maricopa County standards) within 90 days after connection to sanitary sewer, and;
34. Application for Site Plan review shall be submitted to the Planning Commission for review and approval following a recommendation from the Site Plan Review Committee. Said site plan shall be a "master" site plan collectively addressing all proposed structures upon this site. Subsequent site plan(s) providing refined site design and architectural details for specified end-users will be required;

35. Any Major or in-line tenant building shall maintain at least a 100-foot building setback from the west property line;
36. Developer shall provide for a neighborhood pedestrian connection into this project. This area shall be amenitized (ramada or other amenity) so as to be inviting and encourage pedestrian movement. Developer shall further provide for the extension of the planned pedestrian trail system from the northwest corner of this site and provide adequate pedestrian connection to the easterly terminus of this property. Specific trail alignment and design provisions for said trails shall be explicitly identified at Site Plan Review;
37. Buildings for pads B & C shall be located at the front setback line, with building offsets permitted and determined at Site Plan Review;
38. Developer shall complete and re-submit the Economic Impact Model questionnaire for administrative review prior to the issuance of the first Certificate of Occupancy and every two years thereafter until project buildout;
39. Any single tenant consisting of 75,000 square feet or greater shall obtain Planning Commission and City Council approval of the site plan, and;
40. The Estrella Parkway Marketplace shall comply with the land use and design guideline provisions adopted Estrella Parkway corridor study, proposed for completion by May 1, 2002.

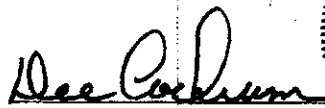
Section III. Amendment of Zoning Map. The Zoning Map of the City of Goodyear is herewith conditionally amended to reflect the change in districts referred to in Section I, and which shall be filed with the City in the same manner as the Zoning Map of the City of Goodyear.

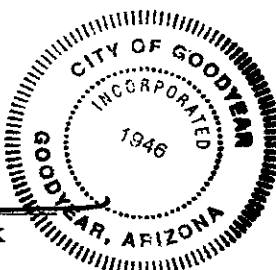
Section IV. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

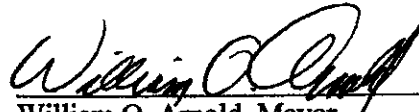
Section V. Effective Date. This ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AN ADOPTED by the Mayor and Council of the City of Goodyear, Arizona, this
28 day of January, 2002.

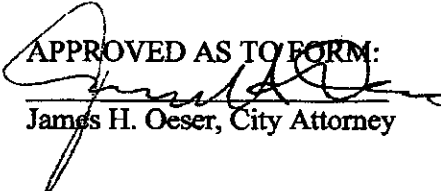
ATTEST:


Dee Cockrum, City Clerk




William O. Arnold, Mayor

APPROVED AS TO FORM:


James H. Oeser, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Dee Cockrum, being the duly appointed, qualified City Clerk of the City of Goodyear, Arizona, certify that the foregoing Ordinance 2001-738, passed and adopted at a City Council Meeting of the Council of the City of Goodyear, Maricopa County, Arizona held on the 28 day of JAN., 2001, at which a quorum was present and, by a 7-0 vote, voted in favor of said ordinance.

Given under my hand and seal, this 28 day of January, 2001.



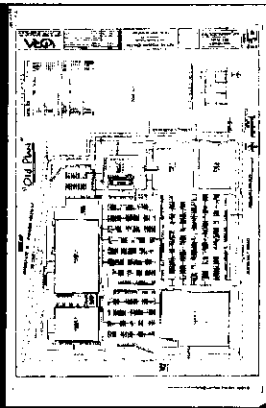
Dee Cockrum
City Clerk

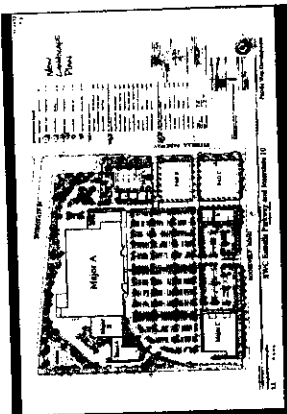
Design Comparison – SWC Estrella Parkway and I-10 Goodyear, Arizona

The comparison below outlines the major differences between the previous site plan, dated 5.1.00 by KDRA and the current site plan, dated 6.21.01 by Suite 6 Architecture + Planning.



5.1.00 Plan	6.21.01 Plan
<ul style="list-style-type: none"> • Three Large Box Stores (124k, 108k, 52k) 	<ul style="list-style-type: none"> • One Large Box, Two Smaller (180k, 45k, 22k)
<ul style="list-style-type: none"> • 4,800 Square Feet of Shops 	<ul style="list-style-type: none"> • 32,000 Square Feet of Shops
<ul style="list-style-type: none"> • Over 650 Lineal Feet Of Major Tenants Backing up to Freeway 	<ul style="list-style-type: none"> • 515 Lineal Feet Backing up to Freeway, Remainder set back 280 Feet minimum
<ul style="list-style-type: none"> • Major B Sides up to Adjacent Residential 	<ul style="list-style-type: none"> • Lower Density Shops Tenants at Potential "Gateway" to Adjacent Residential
<ul style="list-style-type: none"> • 124,000 Square Foot Major Tenant on Roosevelt 	<ul style="list-style-type: none"> • 45,000 Square Foot Major Tenant and 14k Shops on Roosevelt
<ul style="list-style-type: none"> • Parking Lot Adjacent to Garden Center 	<ul style="list-style-type: none"> • Enhanced Corner treatment and Landscaped Parking "Oasis" Adjacent to Garden Center
<ul style="list-style-type: none"> • Linear Retention Basin at Northwest Corner of Site 	<ul style="list-style-type: none"> • Deepened Triangular Retention Basin and Additional Landscape Area to Screen back of Majors A, B and Shops A
<ul style="list-style-type: none"> • Interior Pedestrian Linkages from Parking are Limited 	<ul style="list-style-type: none"> • 5 Major Pedestrian Links within the site with meandering sidewalks, and interspersed landscaping





PHOENIX

High-end jobs key

From Page D1

during the last decade offer below-average pay. Phoenix's unemployment rate hit 5.6 percent this summer, up from 2.7 percent at the end of the '90s. About 71 percent of the jobs created in the Valley during the '90s pay below the mean for the area, Weddle said.

Arizona's rock-bottom ranking in education polls has been a deterrent for some firms considering a move to the Valley, particularly companies in need of a large pool of well-schooled workers.

Gov. Janet Napolitano told the crowd that education is her top priority and got a loud ovation when she said she won't sign legislation that cuts funding for schools. She said the state has "starved" education too long by underfunding schools and the results show in poorly performing students.

Friday's session wasn't the first time these warnings have been sounded. In late 2001, as the Valley's economy began to tumble, several of the area's top executives formed the Greater Phoenix Business Leadership Coalition to tackle the problems. The group has met several times, and GPEC has adopted a new cluster strategy to attract more high-paying jobs.

The commercial real estate industry has been pushing for change in property taxes, saying the levies deter economic development and investment. Gammage held up a ranking showing Arizona is the sixth priciest state for commercial property taxes in the country, but ranks low at No. 31 for residential property taxes.

Kevin McCarthy of the Arizona Tax Research Association said that higher commercial property taxes are a big impediment for attracting firms. Two commissions are working on recommendations to update the state's fiscal policy.

High-end jobs key to economy

SATURDAY, SEPTEMBER 13, 2003

Phoenix area needs smart growth, leaders say

By Catherine Burroughs

and Glen Crepo

The Arizona Republic

Phoenix can't count only on affordable housing and sunny weather to carry its economy into the next decade.

Arizona must ramp up education, overhaul its tax system and better tend to its environment so the Valley can evolve from a low-paying job

hub to a hot spot for high-end firms. The message was delivered to hundreds of the city's business heavyweights Friday at the Arizona Biltmore at a session titled "Metro Phoenix in 2012: Vibrant Economy or Also Ran?"

"This doesn't mean shut down growth," said Grady Gammage Jr., a real estate attorney and Arizona growth historian. "We keep doing what has worked so well, but make it

more interesting and cool so we bring people here for other reasons."

The Valley's population has continued to climb in the past few years as people have been enticed by some of the lowest housing costs in the West. But job growth has plummeted, shaking the Valley's economic position.

"That is a real serious problem," said Rick Weddle, chief executive of the Greater Phoenix Economic Council.

Also, many of the jobs created

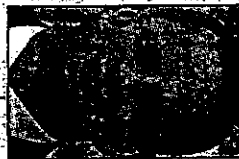
See PHOENIX Page D2.



Grady Gammage Jr.



Gov. Janet Napolitano



Rick Weddle

PHOENIX High-end jobs key

From Page D1

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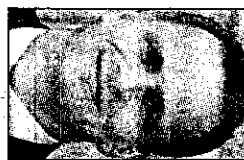
See PHOENIX Page D2



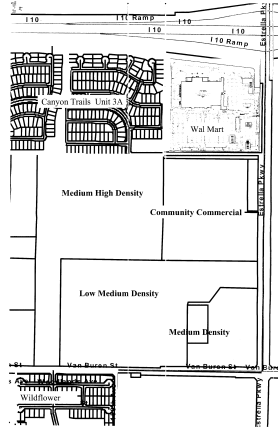
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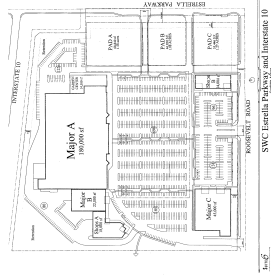


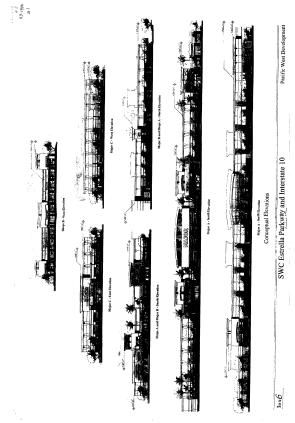
Gov. Janet Napolitano



Rick Weddle







City of Goodyear
Planning and Zoning Commission
October 22, 2003
Minutes

Chairman Horsman called the meeting to order at approximately 7:06 P.M.

Commission Members Present: David Horsman/Chairman, Carrol de Broekert/Vice Chairman, Joanne Osborne, Gary Gelzer, Sean Laux, and Crystal Timko. Gabriel Bey was absent.

Staff Present: Harvey Krauss, Kevin Kugler, Karen Keith, Tony Widowski, Janeen Hollomon, Jo Brooks, Dianna Gilbert, Gayle Rusing, and Jim Oeser.

Guests Present: There were 171 guests.

Minutes

Mr. de Broekert moved to approve the minutes of the Regular Meeting of the Planning and Zoning Commission held on September 17, 2003. **Ms. Timko** seconded the motion. The motion carried by unanimous vote (6 to 0).

Consent

- A. **Case U-04-03, Superstar Car Wash** - Request approval of a Use Permit for a full service car wash and lube facility on 1.52 acres, generally located north of the northwest corner of Dysart Road and Van Buren Street.

Applicant: Reza Amirrezvani

Recommendation: Staff recommends that the public hearing for this case be continued until the November 19, 2003 Planning Commission meeting.

- B. **Case SP-01-03, Safeway at Canyon Trails Sign Package** - Request approval of the Sign Package for the Safeway at Canyon Trails shopping center, generally located at the northwest corner of Estrella Parkway and Van Buren Street.

Applicant: Safeway, Inc.

Recommendation: Staff recommends approval of the Sign Package for the Safeway at Canyon Trails shopping center, generally located at the northwest corner of Estrella Parkway and Van Buren Street, subject to stipulations.

Chairman Horsman asked if any one wished to have an item pulled from the agenda for discussion. Hearing none, he called for a motion.

Mr. de Broekert moved to approve the Consent Agenda as presented. **Ms. Osborne** seconded the motion. **Ms. Timko** thanked the applicant for a very professionally done sign package. The motion carried by unanimous vote (6 to 0).

Chairman Horsman reminded the audience of the election to approve the General Plan on November 4, 2003 and encouraged all to vote. He added that he felt it is a balanced and well thought-out plan.

Old Business

- A. Case S-10-02, Wal-Mart Super Center** - Per Ordinance No. 2002-738 requiring Planning Commission and City Council approval of a site plan for any single tenant consisting of 75,000 square feet or greater, a request for approval of the Site Plan and building elevations for a Wal-Mart Supercenter on 30.93 acres of land generally located on the southwest corner of Interstate-10 and Estrella Parkway.

Applicant: Kimley-Horn and Associates, Inc.

1. Open Public Hearing
2. Staff Presentation
3. Public Comments
4. Close Public Hearing
5. Commission Action

Recommendation: Staff recommends approval of the Site Plan and building elevations for a Wal-Mart Supercenter on 30.93 acres of land generally located on the southwest corner of Interstate-10 and Estrella Parkway, subject to stipulations.

Mr. Kugler summarized the staff report. He described the information provided in the Commission packets which included the site plan, surrounding properties, architecture and building elevations, monument feature, freeway monument sign, comprehensive sign package, screen wall elevation, and the staff report from the 2002 ordinance approving the zoning, along with letters, emails, and petitions from residents.

In 1999 the 32 acres of property was zoned for General Commercial (C-2). A conceptual site plan was approved with the zoning. Mr. Kugler showed where the center is proposed in relation to surrounding properties. In the zoning case, a stipulation required Commission and Council review and approval for any single tenant site plan of 75,000 square feet or larger. Mr. Kugler said we are here tonight to review the merits of the site plan itself and not its appropriateness for a C-2 zoning district.

The proposed site consists of a 203,000 square foot supercenter, a tire and lube express shop, garden center and 5 additional pads for which the users are unknown at this time. Mr. Kugler described the makeup of the site along with access to and from the site. Truck deliveries will utilize the western driveway off Roosevelt Road to the rear of the building. The applicant is responsible for 25% of the cost of the signal light at Estrella Parkway and Roosevelt Road. The applicant provided a traffic study. It demonstrates a poor level of service at the I-10/Estrella Parkway exit ramp. The parking lot will comply with provisions of the City Center Gateway Overlay District design guidelines. Ten-foot decorative masonry walls at truck loading areas and a large landscaped area for retention and open space areas will screen the rear of the building.

Mr. Kugler said that Goodyear is dedicated to attractive architecture. He provided the original elevations that had been submitted to compare with the new elevations, which are much more representative of Goodyear's expectation of design. To address Staff concerns regarding potential sign clutter in the area of the pylon sign the applicant will provide space for other users on the same sign.

A sound study has been completed to address noise issues and is included in the packets. The decibel level at the residential property line is to be kept under 60 decibels. A Citizen Review meeting was held on August 13, 2003. The sign in sheet as well as correspondence received since that meeting has been included in the packet.

Mr. Kugler provided an overview of some of the stipulations for this property. Stipulation #4 requires separate site plan review for other pads on the plat. Stipulation #8 addresses traffic signals and pro rata reimbursements. Stipulation #9 addresses signalization and road/ramp improvements at Estrella Parkway and I-10. Stipulation #22 addresses light trespass issues, allowing for no more than .8 vertical foot-candles at all property lines. Stipulation #31 states that auto related uses are not permitted. Stipulation #40 requires the construction and perpetual maintenance of the corner monument and landscaping being the responsibility of the applicant and also addresses landscape of the retention basin from I-10 on Estrella Parkway. Stipulation #46 prohibits pallets and storage of merchandise in the front of the store. Stipulation #48 limits deliveries of general merchandise and gardening to daylight hours prior to 10 p.m.

Gayle Rusing, Economic Development, thanked those present for their interest in what is happening in the community. Ms. Rusing said that a primary goal for the City of Goodyear is to attract major national retail and hospitality venues. The City adopted, in April 1999, Ordinance #00-692 to assist in attracting major retailers to the City. There are four reasons to attract major national businesses. They are to expand the importation of sales tax dollars; to minimize leakage of sales tax dollars to other communities; to provide a variety of shopping, dining, and entertainment for residents; and to provide opportunities for service sector jobs for residents. The desire is to make Goodyear a self-sustaining community and the retail center of the West Valley. Residents of Goodyear named retail as a top priority over the next 5 years. The Wal-Mart Supercenter will provide benefits beyond the sales tax it will generate. It enables residents to have one

location for shopping, reduces travel time, and attracts other regional retailers to the area. Three additional retail centers have shown interest in locating near the Wal-Mart. Approximately 485 jobs will be created by the Supercenter. Wal-Mart will generate approximately \$12 million in sales tax for the City in its first 10 years.

Sean Lake, 10 W. Main Street, Mesa, Arizona was present on behalf of Wal-Mart. Mr. Lake said that Staff did a thorough review and spent a great deal of time to bring this package to the Commission. He reminded those present that this is a site plan review case and that we are not discussing land use. The site was zoned in 2002, at which time 279,000 square feet of retail space was presented. The site plan today is 231,000 square feet with a reduced number of parking spaces. A great deal of time was spent on providing enhancements. The northwest corner of the site is larger with dense landscaping and open space areas to buffer the view from the freeway. There are two rows of oversize trees to shield loading areas. There are enhanced entryways off Estrella Parkway and Roosevelt Road and additional pedestrian connections north and south in the parking lot. Mr. Lake said the elevations are the nicest he has ever worked on. He said they paid special attention to the rear of the building. The site plan complies with all City codes, ordinances, and design requirements. Mr. Lake requested the Commission deviate from Stipulation #48 restricting hours of delivery. He said the applicant is agreeable with it for the western loading dock but the building screens the eastern loading dock and he requested that the eastern dock not be restricted. Mr. Lake said that the level of traffic service would improve because of the improvements made by the applicant. The project is consistent with the General Plan and prescribed zoning and is in compliance with codes and design guidelines.

Mr. Laux asked if staff were aware of other large shopping centers next to the freeway that do not have a freeway pylon sign. Mr. Kugler responded that the Loop 101 and Camelback does not have a pylon sign and the one at Union Hills and Loop 101 does not. **Mr. Laux** asked how we would enforce Stipulation #19 regarding keeping the site weed and debris free. Mr. Kugler said that if weeds get over eighteen inches the Code Compliance Officer is contacted and will seek action and enforcement with the applicant.

Mr. Gelzer asked about the signal in Stipulation #10. Mr. Kugler explained that this is the signal at the driveway off of Roosevelt Road. **Mr. Gelzer** suggested there be bonds or an escrow account set up to take care of the perpetual maintenance addressed in Stipulation #21. Mr. Kugler said the perpetual maintenance agreement would be provided for in the property covenants. **Mr. Gelzer** asked if the pylon sign is back lit. He said he preferred the sign be moved further east away from the residential area. Mr. Kugler responded that staff has been focusing on the design of the sign. It is 90 feet away from the residential area. The cabinets are internally lit. **Mr. Gelzer** asked what would happen with the perpetual maintenance of the corner monument if Wal-Mart decides to leave the property, adding that these perpetual agreements should have some sort of escrow to allow us to provide maintenance on the corner. **Mr. Gelzer** said that Estrella Parkway would be the primary transit area to the City Center. He said some type of a shaded structure with benches for a bus stop should be provided in front of this site. Mr. Kugler

said the desire of the Engineering Department is to have the bus stop south of Roosevelt Road. **Mr. Gelzer** said he is concerned about redevelopment of this site if Wal-Mart decides to leave the City. He said Wal-Mart has a responsibility to return the site to its original state or provide funding to redevelop it and would like to see a stipulation added to address this.

Ms. Timko said that Stipulation #48 does not address a start time for deliveries. Mr. Kugler said it is 6:00A.M. **Ms. Timko** said the refrigerator trucks to be held at the east bay should have a curfew also.

Chairman Horsman suggested they have signage on the back of the building in lieu of a pylon. Mr. Kugler said the applicant felt they needed more height for users traveling westbound. **Mr. Horsman** asked if there were items other than what was specified in the staff report that Wal-Mart is doing that would be subject to reimbursement in the development agreement. **Mr. Kugler** said they are being held to the same standards as anyone else in that corridor. He said he has not seen a copy of the development agreement.

Ms. Timko requested a copy of the landscape plan, which was provided to her by Mr. Kugler.

Ms. Osborne asked if there was any discussion regarding safety for the landscaped trail system at the back of the building. Mr. Kugler responded that staff has discussed this. The intent is to provide connectivity from the shopping to the neighborhoods. He said it is a stipulation of the zoning to extend that trail system to the north. He added that shrubs would be maintained low so as not to attract a nuisance.

Ms. Timko asked about the northeast area of the landscape plan. She said it does not look like there is any landscaping at the back of the building. Mr. Kugler answered that is the ADOT area for retention from the freeway. He said the applicant would coordinate with ADOT to landscape that area.

Chairman Horsman asked Ms. Rusing to give her thoughts regarding the development agreement and a general idea of what the development agreement will contain. Ms. Rusing asked the advice of Jim Oeser, City Attorney, as to whether or not she should respond to the question. Mr. Oeser said she should not go into detail because nothing has been agreed to. Ms. Rusing said their discussions included that the project would be beautiful and an asset to the community. She provided the City's definition of major retail. These are facilities and improvements on a parcel of land for the purpose of serving as a regional mall, automotive dealers, family entertainment centers, or other large retail centers. Each major retail center must expend a minimum of \$5 million and must generate a minimum of \$30 million each year in City taxable retail sales and this will be set out in the development agreement. Ms. Rusing said we want to generate large retail in our community. This is how you build up to getting a regional mall, by having large groups of shoppers wanting to come to your community. She said that, traditionally, the

City has given a 5-year, 50% sales tax rebate, as with Target and Lowe's. Wal-Mart has negotiated in good faith. The City has negotiated in good faith and so far the agreement is proceeding well.

Mr. Gelzer asked if this rebate allows Wal-Mart to get back the cost of the traffic signal. Ms. Rusing said that question has to wait until the Council meeting.

Chairman Horsman outlined the ground rules for speakers saying there will be a 3-minute time limit. He asked that a speaker not repeat the same thought that someone has already expressed. He said we would like to hear as many points of view as possible.

Alice Benson, 15095 W. Fillmore Street, was not in favor of approving the site plan. She said there is a Wal-Mart three miles from the intended plan as well as a Sam's Club. She said that is saturation and that we are being polluted by Wal-Mart.

Chairman Horsman asked the audience to refrain from applaud.

Yolanda Carrier, 15167 W. Taylor St., said she is opposed to Wal-Mart, adding that we already have a congestion problem. She said we should not have to reimburse for a traffic light coming off the freeway. She is also concerned about the air quality due to added traffic. She said Wal-Mart employees do not receive benefits and she would like to see something offered to them. She added that Wal-Mart service is poor. Ms. Carrier said she loves Goodyear, it is a beautiful city, and she feels all these businesses are overpopulating the City. It is going to effect her life and she is opposed to having this building at the entrance of our City Center.

David Horr, 15970 W. Morning Glory, asked if Wal-Mart has already been approved or if it is still in transition and citizens have a voice. **Chairman Horsman** explained the process, that the property has already been zoned for commercial. He said we are here for consideration of the building site. **Chairman Horsman** added that the Commission is a recommending body and will make a recommendation to the City Council. The City Council will consider the site plan, and the Commission's recommendation along with the development agreement. The ultimate decision is a business decision by the City Council. Mr. Horr said he lives a mile from the store. He said he is all for retail shops on that corridor but not for a huge superstore. Mr. Horr added that it does not need to be at the Gateway of our City Center.

Mark Anderson, 18639 W. San Carlos, said that the Avondale Wal-Mart is an eyesore, there are transients in the parking lot, and it has become a truck stop. He asked what would stop this from being a truck stop, with transients coming on the site especially with the walkway behind the store. He said it creates a sleeping area behind the store. Mr. Anderson expressed his opposition to the plan.

Mary Danage, 15096 W. Fillmore St, said she opposes the project for all the reasons mentioned.

Jeff Denning, 15248 W. Fillmore St, asked for a show of hands for those in the residential areas near there. He said they bought their home two years ago and put a \$5,000 balcony on their house. He said they are going to be staring at Wal-Mart's lights from their balcony. He added that if the City lets them build this Wal-Mart, they should be ready to build low-income apartments, because Wal-Mart doesn't pay enough to live on.

Diane Burnett, 16577 West Monroe St., said she bought her home 6 months ago. She is opposed to Wal-Mart being rebated 50% of their sales tax. She said it will depress the economy and drive down wages at Safeway and Fry's and it will limit our choice to have small businesses. She said in small towns they have nothing but Wal-Mart, every store in the city is closed. Ms. Burnett said that Goodyear is better than that and asked why we couldn't be the Scottsdale of the west end instead of another Avondale. She said this is the only forum we have. We don't have a legal fund to back us up. She said the light would disturb the neighborhood. Ms. Burnett said they moved here because it is quiet, peaceful, and beautiful, adding that they would have to drive by the Wal-Mart every day of their lives and they don't want it.

Henrietta Moran, 447 N. 167th Drive, moved here from Detroit. She said she does not believe Wal-Mart will enhance the site or is a good use of the land. She asked the Commission to learn from the mistakes of Sterling Heights. They did not diversify, and due to over development the City has closed stores and strip malls. She said they did not plan for the long range. Planners failed to provide wide enough roads and every road is filled with commercial properties and there are no trees. She said concessions were made for costly tax rebates. She said she is not opposed to stores or businesses for this site but that Wal-Mart does not fit on this site or in the City of Goodyear.

Jeannette Soare, 10150 S. 186th Lane, participated in a Focus Group on how well Goodyear is doing. Of 12 people in the group only one was in favor of Wal-Mart. It will degrade the neighboring communities. It is a low wage business that pays women less than men. Ms. Soare said that if we want to shop at Wal-Mart there are two in close enough proximity. She said "we do not want it, we do not need it, we will not use it".

Christie Rhoades, 15075 W. Taylor St., asked if the City wants Wal-Mart billed as the Gateway to Goodyear. She said 24-hour traffic equals 24-hour crime. She said they do not treat employees well, only paying \$7.00 an hour with no health care benefits. She said if there is no approval and no building, there is time to stop it.

David Rothberg, 2449 E. Oregon, Phoenix, is a general partner on 20 acres south of the Wal-Mart site. The land was sold to Goodyear based investors for a hotel. He said they are in favor of the Wal-Mart and that it would transform Estrella Parkway into the Gateway that is foreseen. He said the landscaping, building setbacks, and plans are light years ahead.

Dianne Robinson, 15941 W. Madison, agreed to all that was said here tonight except the last speaker. She said it is a beautiful rendering but she is not convinced that this is what we will see. She said an article in the September 19 paper said welcome to Wal-Mart's 950 exits and that a website, lakewayfirst.com, did an extensive study about crime at Wal-Marts and said that 47% of retail trade were gone within 10 years. Ms. Robinson said crime increased as a result of Wal-Mart, Scottsdale had 235 calls, and Mesa had 210 calls. She said this is a beautiful street, unique, and asked that it not be treated like Bell Road. She added that if this is at the Gateway to Goodyear, Goodyear is not what she thought it would be.

Serena Denning, 15248 W. Fillmore St., said there has been a lot of talk about what the outside will look like, but it's what's on the inside that counts. In February 1999 Wal-Mart had 333 empty buildings. Fifteen states had 10 or more empty Wal-Mart stores. Mesa fought a Wal-Mart in 1998. They gathered statistics from the Chandler police department that reported 434 police calls at Wal-Mart. She said that everything here protects the interests of the City of Goodyear but not the citizens of Goodyear.

Joe Burmeister, 15969 W. Jefferson St, said he chose Goodyear because of their vision including the General Plan. He said this does not fit into that plan. He considers this to be a downgrade to the vision that this City has.

Mrs. Wally Campbell, 15068 W. Pinchot Ave, said she is a happy shopper at Wal-Mart but has concerns about the siting for this one. She said the trucks could enter and exit the same way the automobiles do. She thanked Wal-Mart for the excellent security in the parking lots and asked that traffic light signals have dedicated left turn signal lanes and that there are adequate handicapped spaces. Mrs. Campbell said she is in favor of Wal-Mart because we need the tax base in Goodyear.

Lisa Carrier, 16785 W. Fillmore St., asked if Wal-Mart could look for a site north of the freeway by PebbleCreek. She said she lives by the Loop 303, and is concerned about the delivery trucks going down Van Buren, adding that her children cross Van Buren to go to their grandparents. She said she is not picky, she lives by a prison, which is better than a Wal-Mart. She added that it would bring low income wages into the City of Goodyear. She did not think we need a low market in Goodyear. She added that Wal-Mart owns this country and we do not need to compromise our City by allowing Wal-Mart into it.

Chris Turner, 16207 W. Woodlands Ave., strongly opposes any Wal-Mart or subsidiaries. If the Wal-Mart were approved we would be supporting gender discrimination and abysmal labor policies. There are 1.5 million women involved in a class action suite against Wal-Mart.

Barbara Disbrow, 3462 S. 162nd Dr., thanked the Commission for the crosswalks in front of Desert Edge High School. She said Wal-Mart is not good and that it sucks the life out of communities. She said it will be in direct competition with the Avondale Wal-Mart, and asked what happens if it is no longer profitable and they close up. She said she would

like to see a sign saying Welcome to Goodyear not Wal-Mart. She added that we want our City to be beautiful with trees, parks, and communities, not empty box stores.

Nancy Wallace, 3874 N. 146th Dr., said she does not want a Wal-Mart in her neighborhood. She said Goodyear is for everybody. She is worried about the downgrade of the neighborhood, congestion at Roosevelt, code enforcement for all the stipulations, and semis at all hours of the night on the east side. She added that eventually all Wal-Marts end up looking pretty trashy.

Jim Douglas, 5211 N. Tuthill Rd., said this store is 2-1/3 times larger than what he thought the property was to be used for. Trucks would be delivering all night long. He said he moved out here to get away from a store that delivered all night long. Wal-Mart provides no insurance, pension plan, or health and welfare. He said tax dollars will not be there to help these people out. He said the only people interested are those who will make money off of it. He added that he does not want Goodyear to turn into a South Phoenix.

Corky Lee, 3967 N. 150th Ln., reminded the Commissioners that on December 20, 2002 the Commission turned down a filling station for this site stating it is important to have an attractive business on this site and that it would cause traffic problems for motorists coming off the interstate. Now you are considering having Wal-Mart as the first thing people see when they come into Goodyear.

Jim King, Jr., 7520 E. Sonora, said the City has made a lot of progress in the last 25 years. He said he sees this as a step backwards. Mr. King said he was sorry people had to be here tonight, and that he thought we had prevented this from happening. He said Wal-Mart does not fit the image of the City of Goodyear and a pristine gateway to the City of Goodyear. It takes the right ingredients to create a premier gateway and it shouldn't be a big box.

Cynthia DelSol, 11230 S. 112th Dr., Avondale, asked why the City would bring in a company that would put Fry's, Albertson's, etc. out of business and drive down the wages in the neighborhood. She asked if it is good for the community if residents are on assistance. She added that she wants businesses where employees are treated fairly.

Gordon Chrichton, 15131 W. Polk St., said he has been listening to the people and what they don't want, but he thinks it's a done deal. He asked why the City is paying money back to Wal-Mart, adding that if they want in they should pay for it.

Gary Grano, 15109 W. Melvin St, said he shares the feelings of the vast majority of those here tonight. He does not support the work ethics of Wal-Mart and has seen what Wal-Mart has done to local communities. He asked why it is necessary to rebate 50% to Wal-Mart for 5 years. He asked what concessions should be provided for a company that has more money than anyone could image.

Wayne Hancock, 3010 E. Camelback Rd., Phoenix, said he is not against a Wal-Mart in Goodyear, but not at the Gateway. He said if you have a vision, it should not include a Wal-Mart in this location. He said you have to make a vision decision tonight and asked what is that vision and what would Wal-Mart contribute to that vision.

Mr. Gelzer asked Mr. Lake about the transit gathering point at the Wal-Mart center. Mr. Lake said he had discussed it with the City Engineer. They want the transit stop to be at the south side of the light. He said that if the Commission wishes they would work with the City Engineer to establish one on the site plan. He added that the City did not want one on the site plan. **Mr. Gelzer** said he would like to see a stipulation that we will either be able to level the site or have sufficient funds provided to utilize the building for other uses should Wal-Mart leave. Mr. Kugler asked the Commission to add a stipulation to address this in the development agreement. Mr. Lake said they want to be treated the same way as other large retailers in the community and he felt that an ordinance should include all other businesses being required to demolish their buildings if they leave.

Ms. Osborne asked about the noise issue. Mr. Lake said that they had someone to address that issue. Chuck Wright, Kimley Horne and Associates, 7600 N. 15th St., said they looked at peak sound conditions of the compressors. The issues are the distance from the noise source and potential screening. The distance is 100-200 feet from the loading docks and the screen wall. The drive through pharmacy is a convenience use with a low number of vehicles a day. There should be no dramatic or measurable change in sound. Sound levels from the compressors do not add up to 100 decibels. The drive through pharmacy adds very little noise.

Ms. Timko said she is not convinced on the sound issue. It is directly next to residential on the west side. Mr. Wright said during daytimes when it is hottest, with multiple compressors running we get a very good worst case scenario. They did several hours of observation.

Chairman Horsman said that ambient noise near a shopping center was not an issue but the cycling on and off of compressors is something people will perceive. He said that having them on the west side of the building is problematic combined with truck deliveries. He suggested deliveries take place from 6:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sunday. He said he would also like to limit store hours. Twenty-four hours a day seven days a week is not what we talked about when we approved the rezoning. He said he has a problem with the store site being too far to the west, the noise, and that the lighting of the pylon sign on the corner of a residential lot would not add to the attractiveness of that corner lot. He also had a problem with the design of the rear of the store facing I-10. He asked what we were giving up in the development agreement as compared to everyone else. **Chairman Horsman** said there is a lot more signage than there is at the Safeway store. Mr. Lake said that Wal-Mart has never closed a supercenter. He said his point is that if the City has an issue with that it should be equally applied to all retailers. **Chairman Horsman** said he has a problem with the signage, the footprint and where it is located.

Ms. Timko said she would like to see stipulations limiting deliveries from 6:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sunday; "no truck parking" signs along Roosevelt Road, and no new or used car sales on the lot. She said she would like to see more of a buffer zone on the west side by the pharmacy. She said there is over 800 square feet of signs and would like to see a stipulation to reduce this.

Mr. Laux suggested stipulation #14 be amended to read "freeway pylon signs shall not be permitted". Mr. Lake said the requested pylon is a use allowed by the City Code and there are no restrictions. He said it would be discriminatory if the City allows for some but not for Wal-Mart.

Chairman Horsman said he has an objection to the location of the pylon sign immediately adjacent to a residential neighborhood and would like it moved further to the east away from the neighborhood. He said he would like to see the sign package come back for approval. Mr. Lake said they would agree to work with staff to move it further to the east.

Mr. Lake agreed to move the pylon to the east, and to work with staff on the bus bay. He said they would put lighting along the trail. He said truck exits have been designed to be wide enough for the site. There will be left turn arrows on traffic lights.

Mr. Gelzer said he is comfortable with language in Stipulation #14 as long as the location is moved to the east, no farther west than the east storage bay at the lube station.

Mr. Gelzer suggested adding to Stipulations #21 and #40 that the City's Code Compliance Officer can require replacement of landscape material and will make the decision in conjunction with the store manager to get it done with performance bonding being used as security.

Mr. Kugler said the perpetual maintenance is covered in Stipulation #44. **Mr. Gelzer** said he would like to see these perpetual agreements incorporated into the development agreement with performance bonding requirements.

Chairman Horsman suggested amending Stipulation #48 to limit general merchandise, grocery, and garden center deliveries to occur between 6:00 A.M. and shall cease by no later than 10:00 P.M.

Mr. Gelzer added "no car sales of any type or the display of cars for sale shall take place in the parking area" to Stipulation #45. **Mr. Gelzer** said he does not want to see beaters parked in the parking lot with a for sale sign and phone number.

Ms. Timko suggested adding that refrigeration truck units could not run between the hours of 10:00 P.M. and 6:00 A.M.

Mr. Gelzer said the burden of redevelopment of this site is placed on the developer of this site if this center closes and should be written into the stipulation that it will be addressed in the development agreement.

Chairman Horsman asked if Staff was clear on the amendments. Mr. Kugler listed them. A modification to Stipulation #14 moving the pylon sign to the east but no further than the lube center doors. Regarding the maintenance of the sidewalk in Stipulation #21 and the landscaping in Stipulation #40, provisions to be incorporated into the development agreement for some type of financial insurance for the maintenance. In Stipulation #48 all deliveries to be limited to the hours of 6:00 A.M. to 10:00 P.M. Refrigeration trucks cannot be parked between 10:00 P.M. and 6:00 A.M. An addition to Stipulation #45 that there will be no display of cars for sale by the general public in the parking lot. A new stipulation regarding building closure procedures to be included in the development agreement. **Chairman Horsman** said that Stipulation #44 should be amended to address that the perpetual maintenance of the corner monument and trail be addressed in the development agreement.

Ms. Osborne thanked the staff for the hard work that was done on this project and invited those present to attend the City Council meeting.

Chairman Horsman said that the Commission is a recommending body adding that the City Council needs to hear your concerns.

Mr. Kugler said that the meeting is tentatively scheduled for November 24, 2003, 6:00 P.M. at the Hampton Inn.

Fred Thonen , 4046 N. 161st Ave., asked what would happen to Safeway if Wal-Mart is approved. He said he preferred Safeway instead of Wal-Mart.

Kris Simonsen, 12729 W. Cambridge Ave, said that we are a growing community and she wishes to see us growing together. She asked what would happen if I-10 has to be enlarged, adding that we may have to have 8 lanes of traffic out here. She said she is proud of this community but is concerned about a Wal-Mart going in where they are building houses. She said we do not want a Dysart Road in our community.

Joe Casina, 7701 E. Calle Bolo, expressed his concern about businesses closing because Wal-Mart is coming in.

Sharon Page, 10830 S. Dreamy Dr., said she loves this community and that the City Council and the Planning Commission have done a quality job and now is not the time to sell out. Ms. Page said we want to continue in the direction we are growing. Plan this City with a conscience and do not allow Wal-Mart to build here. They degrade human beings. She said that we do not need to compromise our values and businesses will continue to flock to us, we do not need to sell out.

John Campbell, 15068 W. Pinchot, said he would like to see the City adopt a code banning the sell of used cars in all parking lots in the City.

Cheryl White, 15871 W. Apache, said that the traffic flows need to be looked at in the immediate future on Estrella Parkway.

Jim Douglas, 5211 N. Tuthill, Litchfield Park, AZ, said that Tucson passed ordinances against allowing big box stores and he feels we should do the same.

There were no further comments. **Chairman Horsman** closed the public hearing.

Mr. Gelzer said that he takes the residents' comments and concerns to heart. He said he would rather see an upscale business proposed for this area. The free market takes precedence and Wal-Mart has bent over backward to accommodate the concerns of Goodyear. **Mr. Gelzer** said he has major concerns with the development agreement and that there is no way the City should be giving tax rebates or credits. There is no need for incentives to be given to anyone building in this area. This retailer is not bringing upscale business to Goodyear and is hurting the competitive position that Safeway and Fry's have. He said he was reluctantly going to support the site plan.

Chairman Horsman said that he appreciates the comments of his colleagues but he would have to vote against this proposal. He said the building is not in the right place and generators are too near residential neighborhoods. **Chairman Horsman** also had a problem with the pylon sign and he plans to vote no.

Ms. Timko echoed Chairman Horsman's comments, adding that this is the gateway to our City. Businesses in this area will be held to a higher standard.

Mr. Gelzer moved to approve Case S-10-02 with the added stipulations. **Mr. Laux** seconded the motion. The motion failed by a vote of 2 to 4. **Mr. de Broekert, Ms. Osborne, Ms. Timko, Chairman Horsman** voted nay.

- B. Case Z-12-03, Baldridge Commons** - Request to rezone 1.67 acres generally located on the east side of Manzanita Drive approximately 520 feet north of Van Buren Street from Multi-Family Residential (MF-24) to General Commercial (C-2).
Applicant: Baldridge - Goodyear, L.L.C.

1. Open Public Hearing
2. Staff Presentation
3. Public Comments
4. Close Public Hearing
5. Commission Action

Recommendation: Staff recommends approval to rezone 1.67 acres generally located on the east side of Manzanita Drive approximately 520 feet north of Van Buren Street from Multi-Family Residential (MF-24) to General Commercial (C-2).

Ms. Keith summarized the staff report. The corridor of land along Dysart Road from I-10 to Van Buren Street was zoned commercial in the mid-1970s. In reviewing the Preliminary Plat Staff discovered that this 1.67 acres had not been included in that zoning. Ms. Keith pointed out the surrounding property and their uses. The applicant wishes to develop this property for general commercial, retail, and restaurant uses. Ms. Keith pointed out that Stipulation #12 restricts building or freestanding signage from being situated within 50 feet of the north property line near residential properties.

Ms. Osborne asked if the retention area would be a greenbelt or treated with granite. Ms. Keith responded that the primary ground cover for Tract 1 is turf.

Ms. Timko asked why there are no trees on the east side of that tract. Ms. Keith responded that this is just the first step in the development process and that information will be provided on the construction plans.

Chairman Horsman asked Ms. Keith if she would characterize this case as housekeeping. Ms. Keith answered that it was. It was an oversight that was found when the Preliminary Plat was reviewed.

Chairman Horsman asked if there were any further questions or comments. Hearing none, he closed the public hearing.

Mr. de Broekert moved to approve Case Z-12-03 as presented. **Mr. Gelzer** seconded the motion. The motion carried by a vote of 6 to 0.

New Business

- A. Case PS-03-03, Baldrige Commons Preliminary Plat** - Request approval of the Preliminary Plat for Baldrige Commons, subdividing 9.82 acres into 5 commercial lots and 1 tract, generally located at the northwest corner of Van Buren Street and Dysart Road.
Applicant: Baldrige - Goodyear, L.L.C.

Recommendation: Staff recommends approval of the Preliminary Plat for Baldrige Commons, subdividing 9.82 acres into 5 commercial lots and 1 tract, generally located at the northwest corner of Van Buren Street and Dysart Road, subject to stipulations.

Ms. Keith summarized the staff report. The property is a mix of retail, restaurant, and general commercial uses. Staff recommends specific design guidelines for this center that would be the overriding guide for users. All Site Plans will be individually reviewed for approval. Ms. Keith provided information on access to the property. There is one driveway off of Manzanita Road, two off Dysart Road and one off Van Buren Street. Permits will have to be applied for and approved by the City of Avondale for the right-of-way area that resides within Avondale. Increased landscape will be required to provide a buffer between the existing residential and the proposed commercial properties.

Ms. Osborne asked about Stipulation #39 referring to auto-related businesses and if an auto-related business would require a Use Permit. Ms. Keith answered that it would and that some of the stipulations are reiterated from the Design Guidelines and the Zoning Ordinance. **Ms. Osborne** asked if we are approving the car wash at this time. Ms. Keith responded that we are not. Ms. Keith said that Staff received a petition opposing the car wash on Monday. Another Citizen Review meeting will be held to address residents' concerns. The car wash will require approval of a Use Permit.

Mr. Laux asked what is the general standard for noise. Ms. Keith answered that there is no formal standard but should be no more than 60 decibels at the property line near residential areas.

Mr. Gelzer asked the applicant what would be the alternative if it were not acceptable to have a car wash in that location. Scott Truitt, Don Bennet and Associates, said that if the car wash is not approved the applicant will have other uses. **Mr. Gelzer** asked if the car wash is not approved, will the pharmacy and other businesses withdraw interest or will there be alternate uses. Mr. Truitt answered that there will be alternate uses.

Chairman Horsman asked if there is a traffic signal on the north end of the parcel. Ms. Keith answered that there is. **Chairman Horsman** said one of the parcels extends north 100 feet and wraps around two residential areas and the west edge of the proposed car wash would be behind those homes. Ms. Keith responded that no buildings within the project would be behind the homes except for a portion of the car wash.

Chairman Horsman asked if there were further questions or comments. Hearing none, he closed the public hearing.

Ms. Osborne moved to approve Case PS-03-03 as presented. **Mr. de Broekert** seconded the motion. The motion carried by a vote of 6 to 0.

- B. Case Z-07-03, Quantum Corporate Center** - Request to rezone 107.27 acres, generally located at the southeast corner of Van Buren Street and Bullard Avenue, from the General Industrial Park (I-2)/General Commercial Park (C-2) District to the Light Industrial Park (I-1)/General Commercial Park (C-2) District.

Applicant: GAP Properties XIII LLLP

1. Open Public Hearing
2. Staff Presentation
3. Public Comments
4. Close Public Hearing
5. Commission Action

Recommendation: Staff recommends approval to rezone 107.27 acres, generally located at the southeast corner of Van Buren Street and Bullard Avenue, from the General Industrial Park (I-2)/General Commercial Park (C-2) District to the Light Industrial Park (I-1)/General Commercial Park (C-2) District, subject to stipulations.

Mr. Krauss summarized the staff report stating that the zoning was approved in June 2001 from Agricultural/Urban (AU) to General Industrial Park/General Commercial (I-2/C-2). At that time a stipulation required that vertical construction take place within two years which has not yet happened. The Preliminary Plat was approved in March 2002 and a Final Plat was later submitted and is currently under review by Staff. Extending the zoning to I-2 would not be in conformance with the new General Plan. Staff urged the developer not to apply for an extension but to reapply for a zoning change from I-2 to I-1. I-1 zoning requires minimum 1-acre lots while I-2 requires minimum 5-acre lots. Mr. Krauss summarized a few of the stipulations. Stipulation #30 requires a vehicular turnaround be installed at the east end of Harrison Street. Stipulation #31 refers to driveway locations and approval with each Site Plan. Stipulation #32 addresses on-site drainage retention requirements. The applicant will submit a new Preliminary Plat reflecting the 1-acre lots, rather than 5-acre lots.

Ms. Osborne asked if the Design Guidelines referenced in Stipulation #13 are the same guidelines approved by the Commission in February 2001. She asked if the sign plan referenced in Stipulation #16 would come before the Commission or if it is just for staff approval. Mr. Krauss responded that it would come before the Commission and City Council if they exceed the allowable square footages prescribed by the Zoning Ordinance.

Ms. Timko asked if a stipulation could be added requiring Commission and City Council approval of a site plan for any single tenant user over 50,000 square feet.

Paul Gilbert, 4800 N. Scottsdale Rd., said the applicant is in agreement with Staff's recommendations but requested the stipulation be for any single tenant user over 75,000 square feet to which **Chairman Horsman** concurred was a typical requirement. **Ms. Timko** agreed to that.

Mr. Gelzer said he was concerned about what will happen with this piece of property and asked Mr. Gilbert if they were going to proceed with the project. Mr. Gilbert responded that there is an advantage to them to have it reduced to 1-acre lots. With the smaller lots

the owner has increased their viability to develop this property and will pursue this with vigor.

Mr. Gelzer clarified that the northwest corner of the property is C-2 and the rest is I-1.

There were no further comments. **Chairman Horsman** closed the public hearing.

Mr. de Broekert moved to approve Case Z-07-03 with the additional stipulation of the Planning Commission and City Council review and approval for buildings over 75,000 square feet for the C-2 corner. **Mr. Gelzer** seconded the motion. The motion carried by a vote of 6 to 0.

- C. Case PS-06-03, Palm Valley Phase II Parcel 8 ("Golf Cottages of Palm Valley")** - Request approval of the Preliminary Plat for Palm Valley Phase II Parcel 8, subdividing 16.10 acres into 84 single family residential lots and 7 tracts, generally located on the north side of Palm Valley Boulevard, north of the Palm Valley Phase II Recreation Center.
Applicant: The Zacher Development Company, L.L.C.

Recommendation: Staff recommends approval of the Preliminary Plat for Palm Valley Phase II Parcel 8, subdividing 16.10 acres into 84 single family residential lots and 7 tracts, generally located on the north side of Palm Valley Boulevard, north of the Palm Valley Phase II Recreation Center, subject to stipulations.

Ms. Keith summarized the staff report. The property is located in the central interior of Phase 2 of Palm Valley and is nearly surrounded by the Hale Irwin golf course. It consists of 84 single-family lots with a zero lot line. The density is 5.3 dwelling units per acre. Zero lot line development is a new concept to Goodyear. There is a six-foot easement between the structures. Homes will be placed on one side of the lot. Lots are deeper to allow for usable rear yards. There are three acres of open space within the development. The fiscal impact study shows a positive impact of \$18,313 including construction sales tax. Ms. Keith presented an additional Stipulation #39 requiring the developer to provide a secondary water source if the minimum residential water flow requirements are not met. Ms. Keith provided a sample of the housing products. This will be a gated property. Emergency access was pointed out going from Tract G to Thomas Road along an existing golf cart path.

Mr. Laux asked what the architectural theme would be. Richard Zacher, 2725 E. Camelback Road, said they propose a new architectural design for all his projects. This plat incorporates more of a California mission type of architecture. The floor plans will capture a view of the golf course. He said that the zero lot line development is a product that he has done several times. This example has minimum 10-foot setbacks between structures.

Ms. Osborne said there is not enough for children here and she felt they needed a tot lot within the subdivision. **Mr. Zacher** said they did intend to install amenities for children. He said they were gearing to empty nesters but does see some families living there who do not want a large rear yard. He said he wanted to provide a lot of turf area and will be providing some play structures. **Ms. Osborne** asked if he had any control over the golf course for the required secondary emergency access. **Ms. Keith** said she did not see that as an issue as this solution came about collectively from the owner of SunCor and the Fire Department. **Mr. Zacher** said that at Tract G there would be an access for the Fire Department. He said that only the Fire Department can access the gate.

Mr. Laux asked if the undergrounding of utilities referred to in Stipulation #7 also included fiber optics, high speed internet, etc. **Mr. Zacher** responded that they typically had land agreements with the cable companies at a discounted rate.

Ms. Timko echoed **Ms. Osborne's** suggestion regarding having a tot lot and added that it should be covered.

Mr. Gelzer asked if a stipulation for the tot lot needed to be added. **Ms. Keith** said it could be added to Stipulation #23. **Mr. Zacher** asked if the play equipment may include a covering or if a separate shade structure is required.

Mr. Gelzer moved to approve Case PS-06-03 with the additional Stipulation #38 and the amended Stipulation #23. **Mr. de Broekert** seconded the motion. The motion carried by a vote of 6 to 0.


Public Comments


Staff Communications

Mr. Krauss invited the Commissioners to attend the Annual Boards and Commissions Conference being held on Friday, December 5 by the AZ Department of Commerce. He also reminded them of the November 5, 2003 training session being held at 5:30 p.m. at City hall. Commissioners will receive an information packet next week. He said if anyone has specific topics of interest to let **Ms. Keith** know.

Adjournment

Mr. Gelzer moved to adjourn at 11:41 P.M. **Mr. Laux** seconded the motion. The motion carried by a vote of 6 to 0.


Chairman


Commission Secretary